

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 17316 of 2010 (L)

PETITIONER(S):

K.K.SOBHANAKUMARI AMMA
GUEST LECTURER, REGIONAL CENTRE
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
AT ETTUMANUR, RESIDING AT KARUVELIL HOUSE, EROOR SOUTH
ERNAKULAM.

BY ADV. SRI.BINU MATHEW

RESPONDENT(S):

1. SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT, REPRESENTED BY ITS REGISTRAR, MAIN CAMPUS
KALADY POST, ERNAKULAM DISTRICT.

2. CHANCELLOR, UNIVERSITY OF KERALA,
REPRESENTED BY ITS SECRETARY
RAJ BHAVAN, KAVADIAR, TRIVANDRUM-695 003.

3. VICE CHANCELLOR,
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
KALADY POST-683 574.

4. SCREENING COMMITTEE,
REPRESENTED BY THE HEAD OF THE DEPARTMENT OF HINDI
SREE SANKARACHARYA UNIVERSITY, OF SANSKRIT.

5. SELECTION COMMITTEE,
REPRESENTED BY ITS CHAIRMAN/VICE CHANCELLOR
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
KALADY POST-683 574.

6. DR.CHANDRAVANDANA,
GUEST LECTURER, MAIN CAMPUS
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
KALADY-683 574.

7. DR.SHEELA KUMARI, GUEST LECTURER,
MALAYALAM REGIONAL CENTRE
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
KOLLAM-691 583.

R7 BY ADV. SRI.S.MUHAMMED HANEEFF

R,R6 BY ADVS.M/S. P.NARAYANAN, M.R. JAYALATHA AND P.V. JOSE
SRI.P.C.SASIDHARAN,SC, ARUN B. VARGHESE & P.I. VIJAYAMOHANAN SC
FOR SREE SANKARACHARYA UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17316 of 2010 (L)

APPENDIX

PETITIONER'S EXTS:

EXT. P1: TRUE COPY OF THE NOTIFICATION DATED 9-7-2007 OF THE SREE SANKARACHARYA UNIVERSITY OF SANSKRIT

EXT. P2: TRUE COPY OF THE RELEVANT PORTION OF THE STATUTE OF SREE SANKARACHARYA UNIVERSITY OF SANSKRIT

EXT.P3: TRUE COPY OF THE MASTER DEGREE CERTIFICATE DATED 2-6-1997

EXT.P3 (A): TRUE COPY OF THE MARK LIST OF MA DEGREE FINAL EXAMINATION HELD IN MAY 19854

EXT.P3B: TRUE COPY OF CERTIFICATE DATED 1-2-1986 ISSUED BY THE PARENT TEACHERS ASSOCIATION OF NSS HINDU COLLEGE CHANGANACHERRY

EXT.P3C: TRUE COPY OF CERTIFICATE DATED 2-6-1997

EXT.P4: TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 1-8-2007 ISSUED BY DIRECTOR OF SREE SANKARACHARYA UNIVERSITY OF SANSKRIT

EXT.P4 A: TRUE COPYT OF THE RANK LIST DATED 2-6-2009 FOR THE APPOINTMENT OF GUEST LECTURERS IN HINDI

EXT. P5: TRUE COPY OF THE REJECTYION MEMO
DATED 21-4-2010

EXT.P6 (A): TRUE COPY OF THE MINUTES OF THE SCREENING COMMITTEE DATED 19-02-2010

EXT. P6B: TTRUE COPY OF THE RANK LIT DATED 17-7-2010

EXT.P6C: TRUE COPY OIF UO NO. AD/a2/8398/SSUS/2010
(4) DATED 21-7-2010

EXT.P7: TRUE COPY OF THE MEMO DATED 21-4-2010

EXT.P7A: TRUE COPY OF HER APPOINTMENT ORDER
DATED 22-7-2010

EXT.P7B: TRUE COPY OF THE MARKS FOR INTERVIEW
ON 4-6-2010

EXT. P7C: & D: TRUE COPY OF THE INDEX MARKS

EXT. P7E: TRUE COPY OF THE LETTER WRITTEN BY SRI.J.
PRASAD ADDRESSED TO SR. C.J. GEORGE

RESPONDENTS EXTS:

EXT.R1(A) : TRUE COPY OF THE JUDGMENT DATED 17-
08-2009 IN W.A. NO. 2229/2006

EXT.R1 (B): TRUE COPY OF THE RELEVANT PORTION OF
THE MINUTES OF THE SYNDICATE MEETING HELD ON 28-
4-1999

EXT. R6 (A): COPY OF THE IST PAGE OF THE SSLC BOOK
OF 6TH RESPONDENT

EXT. R6(B): XOPY OF THE ORDER DATED 21-7-2010
ISSUED BY THE IST RESPONDENT UNIVERSITY

EXT.R6 (C) : COPY OF THE ORDER DATED 4-1-2011
ISSUED BY THE IST RESPONDENT UNIVERSITY

A.M. SHAFFIQUE, J.

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W.P. (C) No. 17316 of 2010 - L
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Dated : 23 - 02 - 2015

JUDGMENT

This Writ Petition has been filed by the petitioner challenging the appointment of respondents 6 and 7 to the post of Lecturers in the first respondent University, inter alia, contending that though she was qualified, she was not considered for the said selection. According to the petitioner, by virtue of Ext. P1 notification, she was fully qualified and had 5 years of experience as Guest Lecturer in the very same University. In Ext. P1 notification, it was clearly indicated that those persons who had already worked in the University will be given age relaxation. The maximum age fixed for the said post of Lecturer was 40 years and if age relaxation had been granted in favour of the petitioner, she would have been entitled to be selected to the

said post.

2. Counter affidavit has been filed by the University as well as private respondents. The 6th respondent contended that she was given age relaxation as she was an OBC candidate and the said age relaxation has been clearly provided in Ext. P1 notification. 7th respondent contended that she was not given any age relaxation at all and she was below 40 years at the time of submitting the application. They were also appointed in different departments wherein the petitioner cannot stake a claim at all.

3. The learned counsel appearing for the first respondent University having filed a counter affidavit submits that another notification granting age relaxation for Guest Lecturers who were working in the University was under challenge before this Court. In that case, a Division Bench of this Court held that age relaxation cannot be granted to Guest Lecturers.

4. Having regard to the aforesaid factual situation, it is

clear that the petitioner was not entitled for any age relaxation though it is mentioned in Ext. P1 notification how many years relaxation will be granted is not clear. At any rate, such relaxation would definitely be arbitrary. If she is not entitled for age relaxation, definitely she could not have even apply for the said post.

5. Under such circumstances, the Writ Petition filed seeking to quash Exts. P5, P6 (a), (b) and (c) is absolutely without any basis and there is no reason to consider the same on merits. The petitioner, being a person who was not eligible to stake a claim to the said post, is not entitled to challenge the selection process. That apart, respondents 6 and 7 had already been selected and appointed as early as in 2010. Under such circumstances, as no case is made out in this Writ Petition, the same is accordingly, dismissed.

Sd/-A.M. SHAFFIQUE
(Judge)

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