

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

W.P.(C).No.16242 of 2015 (E)

PETITIONER(S):-

DR.NAICY THOMAS, AGED 35 YEARS,
ASSISTANT PROFESSOR,
DEPARTMENT OF ANIMAL GENETICS AND BREEDING,
COLLEGE OF VETERINARY AND ANIMAL SCIENCES,
MANNUTHY, THRISSUR, PIN - 680 651.

BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.V.VARGHESE
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SMT.L.ANNAPOORNA.

RESPONDENT(S):-

1. KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, POOKODE, LAKKIDI P.O.,
WAYANAD DISTRICT, PIN - 673 576.
2. THE VICE CHANCELLOR,
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI P.O., WAYANAD DISTRICT,
PIN - 673 576.
3. DR.C.N.DINESH,
ASSISTANT PROFESSOR,
DEPARTMENT OF ANIMAL GENETICS AND BREEDING,
COLLEGE OF VETERINARY AND ANIMAL SCIENCES, POOKODE,
LAKKIDI P.O., WAYANAD DISTRICT, PIN - 673 576.

R1 & R2 BY STANDING COUNSEL SRI.MILLU DANDAPANI
R3 BY ADV. SRI.R.V.SREEJITH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:- -----

- EXT.P-1: TRUE COPY OF THE ORDER NO.KVASU/GA/A/428/2015(xxxiii)
DATED 28.5.2015 OF THE 2ND RESPONDENT.
- EXT.P-2: TRUE COPY OF THE RELEVANT EXTRACT OF TRANSFER LIST
OF PROFESSORS/ASSOCIATE PROFESSORS.
- EXT.P-3: TRUE COPY OF THE DRAFT TRANSFER LIST PUBLISHED BY
THE UNIVERSITY ON 5.5.2015.
- EXT.P-4: TRUE COPY OF THE MEDICAL CERTIFICATE OF THE
PETITIONER.
- EXT.P5 TRUE COPY OF THE ORDER NO.GA/C3/18783/10 DATED
27.08.2010 OF THE REGISTRAR OF THE UNIVERSITY.
- EXT.P6 TRUE COPY OF THE ORDER NO.GA/A/856/2013(ii) DATED
13.11.2013 OF THE REGISTRAR OF THE UNIVERSITY.
- EXT.P7 TRUE COPY OF THE ORDER NO.COVAS/PKT/1760/2004 (ii)
DATED 05.01.2005 OF THE ASSOCIATE DEAN,
COLLEGE OF BVETERINARY AND ANIMAL SCIENCES, POOKOT.
- EXT.P8 TRUE COPY OF THE ORDER NO.GA/A/856/2013
DATED 17.03.2015 OF THE REGISTRAR OF THE UNIVERSITY.

RESPONDENT(S)' EXHIBITS:- -----

- EXT.R1(a) TRUE COPY OF THE APPLICATION SUBMITTED BY THE
3RD RESPONDENT FOR GENERAL TRANSFER.
- EXT.R1(b) TRUE COPY OF THE RELEVANT PAGES OF THE VETERINARY
COUNCIL OF INDIA REGULATIONS, 2008.
- EXT.R1(c) TRUE COPY OF THE DOCUMENT SHOWING THE STAFF
STRENGTH IN THE DEPARTMENT OF GENETICS & BREEDING
IN COLLEGE OF VETERINARY AND ANIMAL SCIENCES,
POOKODE, INCRESING TO 6.

K. Vinod Chandran, J

W.P.(C).No.16242 of 2015-E

Dated this the 09th day of November, 2015

JUDGMENT

On the peculiar circumstances coming to fore in the above case, it is to be noticed, at the outset, that this judgment does not lay down any precedent. The petitioner herein was working as an Assistant Professor in the Department of Animal Genetics and Breeding in the College of Veterinary and Animal Sciences, Mannuthy. She challenged the transfer order, at Exhibit P1, by which she was transferred and posted at the College of Veterinary and Animal Sciences, Pookode in Wayanad District. The transfer was obviously on the request made by the 3rd respondent.

2. The 3rd respondent now comes forward and submits through counsel that he is not pressing the request for transfer. It is to be noticed that, normally on having given a request for transfer, none could be permitted to come forward and say that he/she does not press the request; after the transfer itself is effected. The University in making such

transfers before the commencement of the academic year would also be considering the administrative exigencies and also the need to transfer the teachers who are continued in a post beyond the normal tenure. However, in the present case it is to be noticed that the 3rd respondent has given the transfer request far beyond the period stipulated in the norms.

3. The norms, produced at Exhibit P2, indicates that the transfer application should be called for during January of every year and after scrutinising the applications in February, a provisional Unit wise seniority list of teachers should be published by 15th March. In the instant year, the same could not be done, since the Vice-Chancellor was not in station. Though applications were called for, the list was published only on 05.05.2015, in which the names of the petitioner and the 3rd respondent also did not figure.

4. The University produced an application filed by the 3rd respondent, at Exhibit R1(a), on 30.03.2015. In fact such an application was due to the fact that the applications were invited only by March. Even then there is no explanation offered as to why

the petitioner's name did not figure in the provisional list published as per Exhibit P3. The grievance put forward by the learned counsel for the petitioner is that teachers would have considerable difficulty in getting school admissions to children and it is to avoid that, the University itself has, by its norms, provided for a proposal to be published by way of a list, before 15th of March. Only in that context, the transfer now made of the petitioner at Exhibit P1 shall be kept in abeyance till 31.03.2016; since the 3rd respondent does not press his request for transfer and also considering the fact that now considerable time has elapsed from the commencement of the academic year. The petitioner, however, would be liable to be transferred as indicated in the impugned order, in the next academic year, unless the University takes a decision to the contrary.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]