

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).NO. 16720 OF 2015 (L)

PETITIONER(S):

DR.SHIBU SIMON, MAPPILAPARAMBIL HOUSE,
BEHIND BISHOPS PALACE, EAST FORT, THRISSUR
(ASSISTANT PROFESSOR, DEPARTMENT OF ANIMAL REPRODUCTION,
UNIVERSITY VETERINARY HOSPITAL, KOKKALAI)

BY ADV. SMT.MARY BEENA JOSEPH

RESPONDENT(S):

1. THE VICE CHANCELLOR,
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, POOKODE
WAYANAD-670695

2. THE REGISTRAR,
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, POOKODE
WAYANAD-670695

BY SRI.MILLU DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 16720 OF 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- A TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 28.05.2015

P2- A TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 29.05.2015

P3- A TRUE COPY OF THE RELEVANT PAGE FROM THE GUIDELINES ISSUED BY THE
UNIVERSITY

P4- A TRUE COPY OF THE DRAFT LIST ISSUED BY THE UNIVERSITY

P5- A TRUE COPY OF THE JUDGMENT DATED 02.06.2015 IN W.P.(C).NO.16279 OF 2015

RESPONDENT(S)' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 16720 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

The petitioner, who is working as an Assistant Professor in the Department of Animal Re-production under the respondent University, has approached this Court challenging Exts.P1 and P2 orders, whereby the petitioner has been transferred as Assistant Professor in Thiruvazhamkunnu and also relieved from the campus at Kokkalai, where he is currently stationed. The challenge in the writ petition, against the order of transfer, is premised on the contention that the petitioner, being the President of Kerala Veterinary University Teachers Association, is entitled to be posted at the Headquarters of the Organization or a Unit of his choice, as per the norms that govern transfer in the respondent University. The writ petition also contains certain allegations of mala fides against the respondents. However, no person is impleaded in his personal capacity in the writ petition.

2. I have heard Smt.Mary Beena Joseph, the learned counsel for the petitioner as also Sri.Millu Dandapani, the learned Standing counsel for the respondent University.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that, while it has been a general practice of the respondent University to

intimate its employees with regard to a proposal for transfer, and to consider their objections to the said proposal, before actually passing orders of transfer, the said procedure has been deviated in the case of the petitioner herein, in that, while the earlier proposal that was circulated showed the petitioner as proposed to be transferred to Thiruvazhamkunnu, Exts.P1 and P2 orders that were subsequently passed transfers the petitioner to Thiruvazhamkunnu, which is not the station that was proposed in Ext.P4 that was circulated among the teaching staff. In my view, once the University has adopted a particular procedure which involves consideration of the objections of the teaching staff prior to effecting their transfers, there has to be cogent reasons justifying a departure from the said procedure in any particular case. Inasmuch as no such reason has been shown to exist in the instant case, I am of the view that Exts.P1 and P2 ought to be quashed for non-compliance with the settled procedure hitherto followed by the respondent University. I make it clear, however, that it shall be open to the respondent University, if it so desires, to communicate to the petitioner any proposal for a transfer to a Station at which the services of the petitioner are desired by the respondent University, and a decision with regard to the transfer of the petitioner to the said Station can be taken after inviting the objections of the petitioner, if any, to the proposed transfer. Thus, leaving open the right of the respondents to effect a transfer in the

exigencies of service, after following the procedure detailed above, the writ petition, in its challenge against Exts.P1 and P2 orders of transfer, is allowed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns