

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 16726 of 2015 (M)

PETITIONER(S)/PETITIONER:

**DR.DEEPA A.K. AGED 36 YEARS
FLAT NO. 6T, DD PLATINUM PLANET, KATHRIKKADAVU
KALOOR, ERNAKULAM (ASSISTANT PROFESSOR
DEPARTMENT OF PHARMACOLOGY & TOXICOLOGY
COLLEGE OF VETERINARY & ANIMAL SCIENCES, MANNUTHY
THRISSUR).**

BY ADV. SMT.MARY BEENA JOSEPH

RESPONDENT(S)/RESPONDENTS:

- 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.**

R1-R2 BY ADV. SRI.MILLU DANDAPANI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- A TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED
 28-5-2015.**

**EXHIBIT P2- A TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED
 29-5-2015.**

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

EXHIBIT P4- A TRUE COPY OF THE DRAFT LIST ISSUED BY THE UNNIVERSITY.

EXHIBIT P5- A TRUE COPY OF THE REPRESENTATION DATED 2-5-2015.

**EXHIBIT P6- A TRUE COPY OF THE REPRESENTATION DATED 05.06.2015
 SUBMITTED BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

EXT.R1(a) A COPY OF THE ORDER No.GA/L/2296/2015, DATED 18.06.2015.

das

// True copy //

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 16726 of 2015

Dated this the 26th day of June, 2015

JUDGMENT

The petitioner, who is presently working as Assistant Professor in the Department of Pharmacology and Toxicology in the college of Veterinary and Animal Sciences, Mannuthy, is aggrieved by Ext.P1 transfer order, whereby she has been transferred to the Department of Pharmacology and Toxicology in the college of Veterinary and Animal Sciences, Pookode. Ext.P2 is the relieving order dated 02.06.2015, that was served on the petitioner. By an order dated 09.06.2015, this Court had granted an interim stay of operation of the transfer order, and it is under those circumstances, the petitioner continues to be at Mannuthy even today, despite the transfer order.

2. The challenge against the transfer is premised essentially on the contention that the marriage of the petitioner was an intercaste marriage and, as per the norms governing transfer applicable to the respondent University, where one of the partners belongs to Scheduled Caste/Scheduled Tribe, as far as possible the other would also be accommodated in the same Unit without affecting the claim of other seniors. It is pointed out in the writ petition that the petitioner is staying at Ernakulam along with

her spouse, who is also working at Ernakulam and, as per the norms and practices, the petitioner is entitled to be posted in a preferred station. It is also contented that she is the senior most among the employees in the cadre in Mannuthy and hence, there is no question of affecting the claim of other seniors. When the writpetition came up for admission, it was submitted by the learned Standing Counsel for the respondent University that the Vice Chancellor was considering Ext.P6 representation, that was preferred by the petitioner, against the transfer that was proposed. It was under those circumstances, that the interim stay was granted to the petitioner. Through a counter affidavit filed by the 1st and 2nd respondents, a copy of the order dated 18.06.2015, that was passed by the Vice Chancellor, after considering the representation of the petitioner, is also produced. It is seen from a copy of the said order, which is produced as Ext.R1(A) along with the counter affidavit of the respondent University, that the representation of the petitioner has been considered elaborately, and it is the definite finding of the respondents that the University requires the services of the petitioner at the Pookode Unit. The contentions of the petitioner, with reference to the norms governing transfer in the University have also been dealt with in detail. Although a reply affidavit has been filed by the petitioner to counter the findings in the order passed by the Vice Chancellor, I

find that the order of the Vice Chancellor calls for no interference.

On a consideration of the said order, I am of the view that the respondent University has demonstrated that there is an administrative exigency that justifies the transfer of the petitioner from Mannuthy to Pookode. Under the circumstances, I am not inclined to interfere with the order of transfer, that is impugned in the writ petition. The writ petition fails and it is accordingly dismissed.

Taking note of the submission of counsel for the petitioner that the petitioner would require at least two weeks time to arrange her affairs in Mannuthy, before proceeding to Pookode in accordance with the transfer order, I permit the petitioner to join the station at Pookode after two weeks from the date of receipt of a copy of this judgment. Save for this direction, the writ petition in its challenge against the transfer order, and the relieving order, is otherwise dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE