

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 17072 of 2015 (H)

PETITIONER:

**NAZAR P.A., AGED 48 YEARS
S/O.T.M.ALIYAR, OFFICE ASSISTANT, MES COLLEGE
NEDUMKANDAM, IDUKKI, PIN-685 553.**

**BY ADVS.SRI.TOM JOSE
SMT.GEETHA JOB (OZHUKAYIL)**

RESPONDENTS:

- 1. THE CORRESPONDENT AND CHAIRMAN
STANDING COMMITTEE ON MES COLLEGES, MES OFFICE
KOZHIKODE-1.**
- 2. THE PRINCIPAL,
MES COLLEGE, NEDUMKANDAM, CHEMBALAM.P.O
IDUKKI DISTRICT, PIN-685 553.**
- 3. THE PRINCIPAL,
MES ASMABI COLLEGE, P. VEMBALLUR, KODUNGALLOOR
THRISSUR, PIN-680 671.**
- 4. MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM
REPRESENTED BY ITS REGISTRAR, PIN-686 560.**
- 5. THE VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS
KOTTAYAM, PIN-686 560.**
- 6. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY.P.O
MALAPPURAM DISTRICT, PIN-673 635.**

**BY ADV. SRI.BABU KARUKAPADATH
SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERSITY
SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 - COPY OF THE SENIORITY LIST OF NON TEACHING STAFF AS
ON 01/04/2013 OF THE 1ST RESPONDENT.
- EXT.P2 - COPY OF THE TRANSFER ORDER OF THE PETITIONER DATED
30/05/2015.
- EXT.P3 - COPY OF THE RELIEVING ORDER DATED 01/06/2015 ISSUED TO
THE PETITIONER BY THE 2ND RESPONDENT.
- EXT.P4 - COPY OF THE MEMORANDUM SUBMITTED BEFORE THE 1ST
AND 2ND RESPONDENTS BY THE PETITIONER.
- EXT.P5 - COPY OF THE REPRESENTATION DATED 01/06/2015
PREFERRED BY PETITIONER BEFORE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.17072 of 2015

Dated this the 29th day of September, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner, a Last Grade Servant, has been shifted from Nedumkandam to Kodungallur under the very same educational agency being MES Colleges. The petitioner contends that, as per the regulations of the University, as codified in Section 64A of the Calicut University Act, 1975, the transfers have to be made looking at the seniority and there are about 9 junior members in the Last Grade Service working in the MES Colleges, while the petitioner, who is in the 6th position, has been transferred.

2. The Counter Affidavit indicates that the transfer was made only taking into account the circumstance of there being excess staff in the MES College, Nedumkandam and MES College, Marampally, from where two persons were transferred to MES

College at Kodungallur, due to the shortage of staff in Kodungallur. The petitioner's representation at Ext.P4 is said to have been not received by the first respondent.

The petitioner, in such circumstances, shall file a fresh representation within a period of one week from today and the same shall be considered after hearing the petitioner; within one month thereafter. The petitioner shall be continued in the present post at Nedumkandam till orders are passed and after such orders are passed, petitioner's posting shall be governed by such orders.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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//True Copy//

P.A to Judge.