

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

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

WP(C).No.29157 of 2005 (U)

PETITIONERS :

1. GEORGE V.T.,
DEPLOYED JUNIOR LECTURER (ECONOMICS),
NIRMALAGIRI COLLEGE, KUTHUPARAMBA, NOW WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, GOVERNMENT HIGHER
SECONDARY SCHOOL, IRIKKUR, KANNUR DISTRICT.
2. ROY.P.C.,
DEPLOYED JUNIOR LECTURER (ENGLISH),
ST. MARY'S COLLEGE, SULTHAN BATHERY, NOW WORKING
AS HIGHER SECONDARY SCHOOL TEACHER, GOVT. HIGHER
SECONDARY SCHOOL, KAKKAVAYAL.
3. MATHAI P.A.,
DEPLOYED JUNIOR LECTURER (ENGLISH),
ST.MARY'S COLLEGE, SULTHAN BATHERY, NOW WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, GOVT. HIGHER
SECONDARY SCHOOL, AMBALAVAYAL.
4. SILVI T.S.,
DEPLOYED JUNIOR LECTURER (ECONOMICS)
PAZHASSIRAJA COLLEGE, PULPALLY, NOW WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, GOVERNMENT MODEL
HIGHER SECONDARY SCHOOL, CHEERAL, WAYANAD DISTRICT.
5. HAMSA.C.K.,
DEPLOYED JUNIOR LECTURER (ECONOMICS),
SIR SYED COLLEGE, TALIPARAMBA, NOW WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, GOVT. HIGHER
SECONDARY SCHOOL, VENGAD, KANNUR.
6. BINUMOLE P.KURIAKOSE,
DEPLOYED JUNIOR LECTURER (PHYSICS), SIR SYED COLLEGE,
TALIPARAMBA, NOW WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, GOVT. HIGHER
SECONDARY SCHOOL, SREEKANDAPURAM, KANNUR DISTRICT.
7. NAFEESA BABY T.P.,
DEPLOYED JUNIOR LECTURER (PHYSICS), SIR SYED COLLEGE,
TALIPARAMBA, NOW WORKING AS
HIGHER SECONDARY SCHOOL TEACHER, TAGORE GOVERNMENT
HIGHER SECONDARY SCHOOL, TALIPARAMBA, KANNUR DIST.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS :

1. STATE OF KERALA,
REP. BY THE SECRETARY, HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
 2. THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.
 3. UNIVERSITY OF KANNUR,
REP. BY ITS REGISTRAR, KANNUR.
 4. UNIVERSITY OF CALICUT,
THENHIPALAM, REP. BY ITS REGISTRAR.
 5. THE MANAGER,
NIRMALAGIRI COLLEGE, NIRMALAGIRI P.O.,
KANNUR DISTRICT.
 6. THE MANAGER,
ST. MARY'S COLLEGE, SULTHAN BATHERY, WAYANAD DISTRICT.
 7. PAZHASSIRAJA COLLEGE,
PULPALLY, WAYANAD DISTRICT.
 8. SIR SYED COLLEGE,
TALIPARAMBA, KANNUR DISTRICT.
 9. THE DIRECTOR,
HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.
- R4 BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, CALICUT UTY
R1 BY SR. GOVERNMENT PLEADER SRI.SOJAN JAMES
R6 & R7 BY ADV. SRI.A.A.ABUL HASSAN
R8 BY ADV. SRI.M.RAMESH CHANDER
R3 BY ADV. SRI. K.JAJU BABU, SC, KANNUR UNIVERSITY
R3 BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY
BY ADV.SRI.V.A.MUHAMMED – SC, KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :-

- EXT.P1 : COPY OF THE JUDGMENT DTD.11.2.2003 IN O.P.No.2797/2003 OF THIS COURT.
- EXT.P2 : COPY OF THE ORDER DTD.5.9.2002 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3 : COPY OF THE ORDER NO.G.O.(MS)148/02/H.Edn. dt.31.10.02 ISSUED BY THE 1ST RESPONDENT.
- EXT.P4 : COPY OF THE ORDER NO.GO(MS)12/03/H.Edn.DT.7.2.2003 ISSUED BY THE 1ST RESPONDENT.
- EXT.P5 : COPY OF THE LETTER DT.30.7.2001 ISSUED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P6 : COPY OF THE LETTER DT.13.9.05 ISSUED BY THE 6TH RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P7 : COPY OF THE LETTER DTD.23.2.05 ISSUED BY THE 7TH RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P8 : COPY OF THE REPRESENTATION DTD.29.7.2005 FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.
- EXT.P9 : COPY OF THE REPRESENTATION DTD.4.7.2005 FILED BY THE 1ST PETITIONER BEFORE THE UNIVERSITY GRANT COMMISSION.
- EXT.P10 : COPY OF THE REPRESENTATION DTD.4.7.2005 FILED BY THE 2ND & 3RD PETITIONERS BEFORE THE UNIVERSITY GRANT COMMISSION.
- EXT.P11 : COPY OF THE REPRESENTATION DTD.4.7.2005 FILED BY THE 4TH PETITIONER BEFORE THE UNIVERSITY GRANT COMMISSION.
- EXT.P12 : COPY OF THE REPRESENTATION DTD.24.8.2005 FILED BY THE PETITIONER NOS.5 TO 7 BEFORE THE UNIVERSITY GRANT COMMISSION.
- EXT.P13 : COPY OF THE ORDER DTD.17.11.2004 ISSUED BY THE 2ND RESPONDENT.
- EXT.P14 : COPY OF THE REPRESENTATION DTD.16.3.2005 FILED BY PETITIONER NOS. 2 & 3 BEFORE THE 6TH RESPONDENT.

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RESPONDENTS' EXHIBITS :-

- EXT.R8(a) : COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DTD.26.3.1999.
- EXT.R8(b) : COPY OF THE UNDERTAKINGS DTD.31.3.1997.
- EXT.R8(c) : COPY OF THE UNDERTAKINGS DTD.16.4.1999.
- EXT.R8(d) : COPY OF THE UNDERTAKING DTD.31.3.1997.
- EXT.R7(A) : COPY OF THE SAID UNDERTAKING DTD.27.2.1997 OF THE 4TH
PETITIONER.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C).No.29157 of 2005

Dated this the 04th day of June, 2015

JUDGMENT

The petitioners are the Junior Lecturers deployed to Higher Secondary School on de-linking of Pre-Degree Course from colleges. They have approached this Court in this Writ Petition seeking a declaration that they are entitled to be relieved from Higher Secondary Schools where they are presently working and accommodated in the respective colleges as Lecturers or Junior Lecturers and for other consequential reliefs.

2. The grievance of the petitioners in this Writ Petition is that, though vacancies are available in the parent colleges for absorption, they are not yet absorbed in the parent colleges. Further, their services in the Higher Secondary Schools are also not regularised. It was in such circumstances, they have approached this Court in this Writ Petition, seeking various reliefs.

3. Today when the case was taken up for final hearing, the learned Senior counsel appearing on behalf of the petitioners would submit that during the pendency of this Writ Petition the petitioners have already been absorbed in their parent colleges and now their subsisting grievance is only regarding seniority and non-payment of full salary.

4. The learned Senior Government Pleader for respondents 1 and 2 would submit that, the petitioners are not legally entitled for any such seniority or payment of full salary, going by the terms of their deployment to Higher Secondary Schools and also the undertaking given at the time of their deployment.

5. In such circumstances, without going into the merits of the claims made by the petitioners, this Writ Petition is disposed of as follows;

1. If the petitioners are having any subsisting grievance regarding seniority or non-payment of full salary, it is for them to make an appropriate representation before the second respondent within a period of one month from the date of receipt of a copy of this judgment. If any such representation is received, the 2nd respondent shall consider and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of such representation with notice to the petitioners, respondents 3 to 8 and any other affected persons.

2. It is made clear that I have not expressed anything on the merits of the claims made by the petitioners and that their entitlement will be subject to the terms of their deployment to Higher Secondary Schools and also the undertaking given at the time of their deployment/absorption.

ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge