

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 19276 of 2015 (H)

PETITIONER(S):

**MUHAMMED FAZAL E., AGED 26 YEARS
CHAMMALIL HOUSE, KOLAKATTUCHALI PO, CHELEMBRA
MALAPPURAM-673 634.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
HIGHER SECONDARY EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY PO
MALAPPURAM-673 635.**
- 3. THE VICE CHANCELLOR
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY PO
MALAPPURAM-673 635.**

**R BY GOVERNMENT PLEADER LOWSY.A.
R BY SRI.SATHEESH NINAN, SC, CALICUT UNIVERSITY
R BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT DATED 25-4-2014.

EXT.P1(A) : TRUE COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT DATED 14-5-2014

EXT.P2 : TRUE COPY OF THE RANKED LIST PUBLISHED BY THE 2ND RESPONDENT FOR THE POST OF PROGRAMMER.

EXT.P3 : TRUE COPY OF THE MEMO ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT DATED 29-5-2015.

EXT.P4 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 2-6-2015.

EXT.P5 : TRUE COPY OF THE MEMO NO.4703/AD-A-ASST-2/2012/CU(1) DATED 18-6-2015 GIVEN BY THE 2ND RESPONDENT.

EXT.P6 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19-6-2015.

EXT.P7 : TRUE COPY OF THE CIRCULAR ISSUED BY THE GOVERNMENT DATED 28-6-2000.

EXT.P8 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 23-6-2015.

EXT.P9 : TRUE COPY OF THE LIST PREPARED BY THE PETITIONER OF PROGRAMMERS, SENIOR PROGRAMMERS AND JUNIOR PROGRAMMERS ON CONTRACT BASIS.

EXT.P10 : TRUE COPY OF THE RANKED LIST PUBLISHED BY THE 3RD RESPONDENT DATED 10-4-2015.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.19276 OF 2015 (H)

Dated this the 30th day of June, 2015

J U D G M E N T

The petitioner, who is presently studying at the Indian Institute of Science, Bangalore, for the M.E. course in the IIIrd semester, responded to a notification issued by the respondent University inviting candidates for the post of Programmer in the Calicut University Administrative Service. In the selection exam that was conducted pursuant to the said notification, the petitioner secured the first rank. Thereupon, the respondent University issued a memo to the petitioner directing him to join duty. Since the petitioner is presently in the IIIrd semester of the M.E. Course, and he still has 1½ semesters left for completing the course, he approached the respondent University with a request for extension of the joining time so as to enable him to complete the course which he is currently pursuing. In the writ petition, the petitioner states that the respondent University has indicated its reluctance to entertain the application preferred by the petitioner for extension of joining time. It is under these circumstances, that the petitioner has approached this Court seeking a direction to the respondent University to grant the petitioner extension of joining time so that the petitioner can take up

the job at the respondent University after completing his present academic course.

2. I have heard the learned counsel for the petitioner as also the learned Standing counsel for the respondent University.

3. The learned Standing counsel for the respondent University would submit that inasmuch as the extension of joining time that is sought for by the petitioner is almost a year, it would not be possible for the respondent University to grant the extension sought for. It is pointed out that, the present selection was conducted so as to get candidates for permanent appointment to sanctioned posts in the respondent University so that they could gradually dispense with the practice of appointing contract employees for the job.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that the stand of the respondent University, with regard to the refusal of extension of joining time, cannot be faulted. However, it is the submission of counsel for the petitioner that, by Ext.P8 representation, the petitioner has already approached the Government highlighting his

grievance, and seeking a direction to the respondent University for consideration of the grant of extension of joining time. In the said representation, reliance is placed by the petitioner on Ext.P7 Government Circular which contemplates the grant of extension of joining time beyond the period of 45 days in appropriate cases. Counsel for the petitioner would pray that a direction be issued to the Government to consider and pass orders on Ext.P8 representation, expeditiously, so that he can approach the respondent University based on the decision taken by the Government. Taking note of the submission of the learned senior counsel for the petitioner, and without issuing any direction to the respondent University in the matter, I dispose the writ petition with a direction to the Government to consider and pass orders on Ext.P8 representation, after hearing the petitioner, within a period of two weeks from the date of receipt of a copy of this judgment. I make it clear that nothing in this judgment shall be construed as obligating the respondent University to accept, or be bound by, any order to be passed by the Government.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp