

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 25787 of 2009 (P)

PETITIONER(S):

**DR.K.I.RAZIA,
LECTURER IN PHYSICAL EDUCATION, M.S.M.COLLEGE
KAYAMKULAM.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION(D) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.**
- 3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOLLAM.**
- 4. THE PRINCIPAL,
M.S.M.COLLEGE, KAYAMKULAM.**

**R,R4 BY ADV. SRI.R.RAJASEKHARAN PILLAI
R,R1 BY ADV. GOVERNMENT PLEADER SRI. T.R. RAJESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE ORDER OF APPOINTMENT DTD. 11.10.99
- EXT.P1(A) COPY OF THE ORDER NO. AC.F1.3/33892/2000 OF THE
UNIVERSITY OF KERALA DTD.23.09.2000
- EXT.P2 COPY OF THE CERTIFICATE OF PHD DTD.14.04.97
- EXT.P3 COPY OF THE STATEMENT OF STUDENTS DTD.NIL
- EXT.P4 COPY OF THE STATEMENT FOR RE-ASSESSMENT DTD.16.10.03
- EXT.P5 COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER DTD.24.7.02
- EXT.P5(A) COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER DTD.10.08.2005
- EXT.P6 COPY OF THE ORDER NO. F1/4423/07 OF THE DEPUTY
DIRECTOR DTD.15.10.07
- EXT.P7 COPY OF THE APPEAL FILED BEFORE THE GOVT. DTD.19.12.07
- EXT.P8 COPY OF THE ORDER NO.11014/D1/08.EDN. OF THE GOVT.
DTD.19.6.09
- EXT.P9 COPY OF THE G.O(MS) NO.34/98/H.EDN. OF THE GOVERNMENT
DTD. 21.03.98

RESPONDENTS EXHIBITS: **NIL**

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's appointment as Lecturer in Physical Education under the 4th respondent college has not been affirmed under the U.G.C scale from the date of her appointment. Admittedly, the petitioner was appointed as per Ext.P1 on 11.10.1999. The petitioner was however placed in the State scale and not under the U.G.C scale, since, the Government had issued G.O(M.S) No.34/98/H.Edn dated 21.03.1998, on the bifurcation of Pre-degree courses from the college level and placing it in the Higher Secondary School level.

2. Hence, the norms at the time of petitioner's appointment provided for only one teacher under the U.G.C scheme, who was already in service . The petitioner in fact was

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appointed under the State scales of pay in the 48% of non-U.G.C lecturers and the petitioner was also paid salary at the said scale. The petitioner never challenged the same till 2009, when the writ petition was filed.

3. It is also clarified in Ext.P9 that all Physical Education Teachers, who are not eligible to come under the U.G.C scale would be granted U.G.C scale on completion of 8 years of service as specified in the U.G.C Scheme. In such circumstance, the petitioner has absolutely no case to be initially appointed in the U.G.C scale. The writ petition is also grossly delayed.

The writ petition is hence dismissed. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

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P.A to Judge.