

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23489 of 2015 (I)

PETITIONER(S)/PETITIONERS:-:

1. LISAMMA SEBASTIAN AGED 49 YEARS  
W/O.P.J.SEBASTIAN, PARAMPETT HOUSE, VATTUKULAM P.O.  
KADAPOOR, KOTTAYAM - 686 587.
2. BINDU R. AGED 38 YEARS, W/O.MR.K.M.ANIL KUMAR,  
KOVILAKATHU HOUSE, POOVARANY P.O., PAIKA, KOTTAYAM.
3. PREETHY R. KUMAR AGED 31 YEARS, W/O.ANOOP R.,  
NIRAPPIL HOUSE, KOODAPPULAM P.O., RAMAPURAM, KOTTAYAM.
4. REMYAMOL P.S. AGED 29 YEARS  
W/O.GIRISH S., LAVANYA HOUSE, MALLOOSSERY P.O. KOTTAYAM.
5. ANJU JOSEPH AGED 29 YEARS  
W/O.PRINCE THOMAS, KUTTIKATTU HOUSE, POOVARANY P.O.  
PAIKA, KOTTAYAM.
6. REMYA RAJ AGED 31 YEARS  
W/O.ANOOP MOHAN, ADUKKUVELIL HOUSE, PUTHUPPALLY P.O.  
KOTTAYAM - 686 011.
7. LINI VISWAM AGED 32 YEARS, D/O.K.N.VISWAN,  
KOLLAMPARAMBIL HOUSE, PAMPADY P.O., KOTTAYAM - 686 502.
8. MARIYA JOSE, W/O.JINO JACOB,  
PUTHUPARAMBIL HOUSE, KUZHIMATTOM P.O., KOTTAYAM - 686 533.
9. ALPHONSA JOSEPH AGED 66 YEARS, W/O.P.A.JOSEPH,  
PUTTATHANKAL HOUSE, ST.MARY'S ROAD, KOTTAYAM - 686 575.
10. ANNAMMA JOHN AGED 56 YEARS  
W/O.MATHEW P.C., THENKARA KALIYAPURAYIL HOUSE  
MOOZHILKULANGARA P.O., KOTTAYAM - 686 601.
11. MOBY SARA MATHEW, W/O.SIJO LUKOSE, AKKATHEKETHIL HOUSE  
PERUMBALIKADU P.O., KOTTAYAM.
12. JINCY ABRAHAM AGED 31 YEARS  
W/O.VIPIN C.KURIAKOSE, CHILAMBATTUSSERY HOUSE  
ARPOOKARA EAST P.O., KOTTAYAM.
13. SINI JAMES AGED 29 YEARS, D/O.JAMES ANTONY,  
PUNNATHANIYIL HOUSE, MOONNILAVU P.O.  
VADAKKADU, KOTTAYAM - 686 586.

14. REJANI M.C. AGED 29 YEARS  
W/O.JOHNSON JOSEPH, ATHIKUZHIYL HOUSE, NEDUMANNI P.O.  
NEDUMKUNNAM, KOTTAYAM.
15. NISHA JOSE AGED 29 YEARS  
D/O.T.O.JOSE, THANNIYIL PUTHANPURACKAL HOUSE  
AMANAKKARA P.O., RAMAPURAM, KOTTAYAM - 686 576.
16. DIVYA S. AGED 31 YEARS  
D/O.SOMAN G., PATTERIKAROTTU HOUSE, ARUNAPURAM P.O.  
PALA, KOTTAYAM - 686 574.
17. SIMI K.K. AGED 38 YEARS  
W/O.PRAVEEN POTHEN, KOCHUTHEKKETHIL HOUSE, VELLAPADU  
PALA P.O., KOTTAYAM - 686 576.
18. HIMA SOMAN AGED 28 YEARS  
D/O.SOMAN A.K., AYYAMMELIL HOUSE, MARIKA P.O.  
KOTHATTUKLAM, KOTTAYAM - 686 662.
19. SOUMYA KRISHNAN AGED 30 YEARS  
D/O.KRISHNAN P.K., PALARIL HOUSE, ASHTAMICHIRA P.O.  
THRISSUR - 680 731.
20. SONA P.N. AGED 30 YEARS  
W/O.ARAVIND T.S., PORUNNIKAL HOUSE, PERUMBALLOOR P.O.  
PERINGAZHA, MUVATTUPUZHA - 696 673.
21. JILU MARIA JOSE AGED 37 YEARS  
D/O.JOSEPH CHAKO, KOONAMPARAYIL HOUSE, ARAKKULAM P.O.  
ASHOKA, IDUKKI - 685 591.
22. REGIN JOSEPH AGED 51 YEARS  
D/O.K.V.JOSEPH, KIZHAKKETHIL HOUSE, KANJIRATHANAM P.O.  
KOTTAYAM - 686 603.
23. AMBUJAM M.B. AGED 62 YEARS  
W/O.DR.SALIM KUMAR N., ARAKKAL, KUMMANNOOR P.O.  
PALA, KOTTAYAM.
24. KAVITHA K. AGED 40 YEARS  
W/O.SANIL KUMAR P.R., KALABHAVAN, ARPOOKARA EAST P.O.  
KOTTAYAM.
25. HARSHA PRADEEP AGED 29 YEARS  
D/O.PRADEEP RAJ, BLANTHAYIL HOUSE  
SREEKANDAMANGALAM P.O., ATHIRAMPUZHA  
KOTTAYAM - 686 562.
26. JYOTHI SUSAN VARGHESE AGED 35 YEARS  
W/O.RENJITH, KOONAMTHOTTIYIL HOUSE  
PUNNATHURA WEST P.O., PUNNATHURA, ETTUMANOOR  
KOTTAYAM.
27. LUCY ABRAHAM AGED 51 YEARS  
W/O.ADV.STEPHEN CHAZHIKATT, CHAZHIKATT HOUSE  
THELLAKOM P.O., KOTTAYAM - 686 630.

28. NEETHU JOSLIN AGED 29 YEARS  
W/O.MANU VINCENT, MUNDIYAPARAMBIL HOUSE, KURINJI P.O.  
KOTTAYAM.
29. MILY PAUL AGED 29 YEARS  
D/O.K.V.POULOSE, KOOLIMOOTTIL HOUSE, SOUTH MARADU P.O.  
MUVATTUPUZHA, ERNAKULAM.
30. HONEY ZACHARIAS AGED 37 YEARS  
W/O.MANOSH MATHEW, PULICKAL HOUSE, PUTHUPPALLY P.O.  
KOTTAYAM.
31. JOSSY JOHN AGED 36 YEARS  
W/O.BINOY XAVIER KOLAMKALAYIL HOUSE, MANJOOR P.O.  
KURUPPANTHARA, KOTTAYAM - 686 603.
32. LIJEENA BAKER A. AGED 30 YEARS  
W/O.SHAKIR HUSSAIN, NADAKKAVIL PUTHIYA VEEDU HOUSE  
CHUNGOM WARD, ALAPPUZHA - 688 011.
33. MARY GEORGE AGED 49 YEARS  
W/O.BENNY MATHEW, MANNARAKATHU HOUSE, PONMUDI  
KONNATHADY, UDUMBANCHOLA TALUK.
34. ASHA GOPAL AGED 29 YEARS  
W/O.SHASIKUMAR D., THUMBANAL HOUSE, AMBALAKAVALA  
KATTAPPANA, IDUKKI.
35. SHREELAYA THOMAS AGED 29 YEARS  
D/O.THOMAS P.L., POTHANPARAMBIL HOUSE, NEDUMKANDAM  
UDUMBANCHOLA.
36. VIDYA M. AGED 27 YEARS  
D/O.K.MURUKESAN, SUBUVILASAM, ADIMALI  
DEVIKULAM.
37. ROSHINI VARGHESE AGED 35 YEARS  
W/O.SIBICHAN JOSEPH, PARAPPALIL HOUSE, KATTAPPANA  
IDUKKI.

BY ADVS.SRI.A.JAYASANKAR  
SRI.C.V.MANUVILSAN  
SRI.MANU GOVIND  
SRI.S.SABARINADH  
SRI.ASHWIN SETHUMADHAVAN

RESPONDENT(S)/RESPONDENTS:-:

1. THE MAHATMA GANDHI UNIVERSITY  
PRIYADARSINI HILLS P.O., KOTTAYAM, KERALA  
PIN - 686 560, REPRESENTED BY ITS REGISTRAR.
2. THE REGISTRAR  
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS P.O.  
KOTTAYAM, KERALA, PIN - 686 560.

**3. THE DIRECTOR  
SCHOOL OF MEDICAL EDUCATION, GANDHINAGAR P.O.  
KOTTAYAM - 686 008.**

**R1-R3 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY  
R BY GOVERNMENT PLEADER, SMT. LOWSY A.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 23489 of 2015 (I)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1. A TRUE COPY OF GOVERNMENT ORDER NO.G.O (MS)  
NO.552/2014/H.EDN DATED 19.07.2014.**

**EXHIBIT P2. A TRUE COPY OF UNIVERSITY ORDER NO.U.O.NO.2868/SFI/2015/ADMN  
DATED 21.05.2015.**

**EXHIBIT P3. A TRUE COPY OF THE COMMUNICATION NUMBER  
SME/GNR/E1/IGL/NDKM/2009 DATED 23.03.2010 WHEREBY I WAS  
APPOINTED TO THE SERVICES OF THE 3RD RESPONDENT.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

// True copy //

PA to Judge

das

**A.K.JAYASANKARAN NAMBIAR, J.**

**W.P.(C). No. 23489 of 2015**

**Dated this the 5<sup>th</sup> day of August, 2015**

**JUDGMENT**

The petitioners, who are stated to have been appointed as Guest Lecturers (Full Time Internal) in different centres of the School of Medical Education- Institute of Nursing Education, under the respondent University, approached this Court, apprehending that their services would be terminated consequent to Ext.P2 order of the respondent University, which indicates that all existing vacancies in the self financing institutions, and those held as Guest Faculties, are to be filled up with fresh contract faculties through walk-in-interview on or before 31.05.2015. It is the case of the petitioners in the writ petition that, while in their appointment orders, there is no indication as regards the term for which they were appointed, their services could not be terminated without any notice to them and on the basis of a unilateral decision taken by the respondent University to fill up the posts with fresh contract appointees.

2. In a statement filed by the learned counsel for the respondent, it is stated as follows in paragraphs 3 to 7:

“3. It is humbly submitted that the School of Medical Education (SME) is one of the Self Financing Institutions, established and maintained under the direct control of the

University. It is governed by special rules framed and accepted by the University, as per UO 1318/SFI/2010/Admn, for Self Financing Institutions. As per special rules a teacher in Self Financing Institution means a teacher appointed in Self Financing Institutions in four modes ie, temporary, contract, Guest, External Guest. It is provided as per the Chapter 2 Rule 2, the syndicate is competent to abolish any of the teaching post of self financing institution.

4. It is further submitted that the teachers of the Self Financing Institutions directly run by the University shall be appointed after advertisement/press release inviting applications or by conducting walk-in-interview. The petitioners belong to the category of Guest faculty. There is no mention about the selection of Guest faculties in M.G. University Act or Statutes.
5. It is also submitted that the Guest faculty means faculty as and when they are called for/terminated. The engagement of Guest lecturer is not against any substantive post. Guest Lecturers are engaged by the University and also by the respective Directors after conducting walk-in-interview. The Government of Kerala had issued an Exhibit P1 order G.O.(MS) No.552/2014/H.Edn date.19.07.2014 regarding the terms and conditions of teaching staff working in unaided colleges/Self financing Institutions.
6. It is submitted that the Syndicate had considered the Exhibit P1, and resolved to enhance the existing remuneration of teaching/non teaching staff working in Self Financing Institutions established and maintained under the direct control of the University. Later in continuation of the said decision, the Syndicate has further resolved that "All the existing vacancies in Self Financing Institutions and those held as guest faculties are to be filled up through walk in interview on or before 31.05.2015." However this decision has not been implemented. As per Indian Nursing Council norms Guest Faculty is not counted for staff strength. A file has been submitted for clarification in this regard.
7. In this circumstances it is submitted that, the allegation of the petitioners ie, the university is taking steps to terminate the employment of all the petitioners and to recruit afresh for the

said posts is baseless. The University will implement the decision only after getting clarification from the Syndicate which the petitioners can note in time. Hence the Writ petition is premature. No cause of action has been arisen at this stage.”

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

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that, inasmuch as it is the definite stand of the respondent University in the statement filed before this Court that the University will implement a decision with regard to termination of services of the petitioners, only after getting clarification from the syndicate, of which the petitioners will also get due notice, the writ petition at this stage is premature. Accordingly, taking note of the stand of the respondent University as borne out from their statement, this writ petition is closed as premature.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**