

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 25195 of 2014 (Y)

PETITIONER:

**DR.LEENA P PAI, LECTURER,
SELECTION GRADE, DEPARTMENT OF ENGLISH,
SANATANA DHARMA COLLEGE, SANATHANAPURAM.P.O,
ALAPUZHA-688003, RESIDING AT 'VAISHNAVAM',
PUTHENPURAYIL, NEAR BHAGAVATHICKAL TEMPLE,
PARAVOOR, ALAPUZHA.**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM-695001.**
- 3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
MARKETFED HEAD OFFICE BUILDINGS, GANDHI NAGAR,
KADAVANTHRA.P.O, ERNAKULAM-682016.**
- 4. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM-695034.**
- 5. THE MANAGER, SANATANA DHARMA COLLEGE,
SANATHANAPURAM.P.O, ALAPUZHA-688003.**

**R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ
R4 BY SRI.BECHU KURIAN THOMAS, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON 27-02-2015 DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: A TRUE COPY OF THE ORDER NO.CF III-1.2745/97 DT.7-4-1999 ISSUED BY THE 4TH RESPONDENT.
- EXT.P2: A TRUE COPY OF THE CERTIFICATE ISSUED BY THE INSTITUTE OF ENGLISH OF THE 4TH RESPONDENT TO THE PETITIONER DATED 20-03-1997.
- EXT.P3: A TRUE COPY OF THE ORDER NO.AC.F III/2/19345/2013 DT.12-09-2013 ISSUED BY THE 4TH RESPONDENT.
- EXT.P4: A TRUE COPY OF THE LETTER NO.F4/7224/13 DT.25-01-2014 ISSUED BY THE 3RD RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- EXT.P5: A TRUE COPY OF THE RELEVANT PAGES G.O(P)171/99/H.EDN DT.21-12-1999 ISSUED BY THE 1ST RESPONDENT.
- EXT.P6: A TRUE COPY OF THE CERTIFICATE OF PARTICIPATION ISSUED BY THE 4TH RESPONDENT DT.30.4.2007.
- EXT.P7: A TRUE COPY OF THE CERTIFICATE OF PARTICIPATION ISSUED BY THE 4TH RESPONDENT DT.04-02-2008.
- EXT.P8: A TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER THROUGH PRINCIPAL DT.24-02-2014 ALONG WITH ENGLISH TRANSLATION.
- EXT.P9: A TRUE COPY OF THE LETTER NO.F4/9071/2013 DT.26-06-2014 ISSUED BY THE 3RD RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- EXT.P10: A TRUE COPY OF THE LETTER NO.F4/2486/2014 DT.25-08-2014 ISSUED BY THE 3RD RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- EXT.P11: A TRUE COPY OF THE COMMUNICATION NO.E/TS/2014 DT.26-08-2014 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXT.P12: A TRUE COPY OF THE CERTIFICATE OF PARTICIPATION ISSUED BY THE UNIVERSITY OF KERALA DT. 10.11.2014.

RESPONDENT(S)' EXHIBITS:

- EXT.R3(A) : PAGE NO.11 OF THE ABOVE GOVERNMENT ORDER DATED 21.12.1999.
- EXT.R3(B) : THE PHOTOCOPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT DATED 13.5.2014.

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- EXT.R4(A) : TRUE COPY OF THE DEFECT MEMO DATED 10.4.2013 ISSUED BY THE 4TH RESPONDENT TO THE PRINCIPAL OF THE 5TH RESPONDENT COLLEGE.
- EXT.R4(B) : TRUE COPY OF THE LETTER DATED 7.5.2013 ISSUED BY THE PRINCIPAL OF THE 5TH RESPONDENT COLLEGE TO THE 4TH RESPONDENT.
- EXT.R4(C) : TRUE COPY OF THE LETTER NO.1-2/2009(EC/PS)PT.VII DATED DECEMBER 2012 ISSUED BY THE U.G.C.
- EXT.R4(D) : TRUE COPY OF THE LETTER DATED 29.3.2014 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.
- EXT.R4(E) : TRUE COPY OF THE LETTER DATED 13.5.2014 ISSUED BY THE 4TH RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.25195 of 2014

Dated this the 27th day of February, 2015

JUDGMENT

The petitioner, who is presently working as Lecturer, Selection Grade (English) in the 5th respondent's College, has approached this Court challenging Exts.P9 and P10.

2. Ext.P3 is a proposal made by the Kerala University for the approval of placement/promotion of the petitioner in the Selection Grade with effect from 12.12.1999. This was rejected by Exts.P9 and P10. The reason for rejection stated in Exts.P9 and P10 is that the petitioner does not satisfy the stipulations in the Government Order dated 21.12.1999, implementing the U.G.C Scheme, 1998, including the revision of pay scales to College/University teachers in the State. One of the requirement for placing a Lecturer in Senior Scale is that the lecturer should be participated in one orientation course and one refresher course. This is compulsory for all University and College teachers.

3. It is seen from the counter affidavit that the original time fixed by the U.G.C. for undergoing orientation course was in the year 2000. It was extended up to 31.12.2013. It has

been pointed out by the learned Government Pleader that the petitioner has not undergone the orientation course in spite of sufficient time given by the Government.

4. The relevant Government Order is also produced as Ext.R3(a), which mandates that one orientation course is a compulsory requisite to place a Lecturer to Senior Scale. It is to be noted that the petitioner's promotion to Senior Scale was approved by the University and the petitioner was sanctioned salary and other allowances admissible to Lecturer Senior Scale from 12.12.1999 onwards. The only denial is increment to the petitioner. I am of the view that the petitioner cannot claim increment, as the petitioner had not undergone orientation course, as per the guidelines issued by the University.

Therefore, I do not find any reason to interfere with Exts.P9 and P10. Accordingly, this writ petition is dismissed.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. To Judge

st/-