

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 29411 of 2010 (B)

PETITIONER(S):

**DR.OMANA J., W/O.K.N.RUSSEL, SENIOR LECTURER,
DEPARTMENT OF HISTORY, SREE SANKARACHARYA
UNIVERSITY OF SANSKRIT, KALADY-683574
RESIDING AT JOBIN NIVAS, KALADY, KALADY P.O.-683574
ERNAKULAM DISTRICT.**

BY ADV. SRI.A.G.BASIL

RESPONDENT(S):

- 1. SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT, KALADY, PIN-683574
REPRESENTED BY, ITS REGISTRAR.**
- 2. VICE-CHANCELLOR, SREE SANKARACHARYA
UNIVERSITY OF SANSKRIT, KALADY, PIN-683574.**
- 3. THE HEAD OF DEPARTMENT OF HISTORY,
SSUS, KALADY-683574.**

BY ADV. SRI.P.K.VIJAYAMOHANAN,SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE RESPONDENT UNIVERSITY**
- P2: COPY OF LETTER NO.4650/AD.A3/05/SSUS DATED 29/6/10 ADDRESSED TO THE HEAD OF DEPARTMENT OF HISTORY, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, WITH COPY TO THE PETITIONER**
- P3: COPY OF THE RELEVANT PORTION OF SYLLABUS OF M.A.OF THE RESPONDENT UNIVERSITY WITH REGARD TO THE STUDY OF RELIGIONS, ENCOMPASSING HISTORY OF HINDUISM, CHRISTIANITY, JUDAISM AND ISLAM ALONG WITH DETAILS OF SUBJECTS COVERED BY THE DIPLOMA COURSE COMPLETED BY THE PETITIONER IN U.K.**
- P4: COPY OF THE RELEVANT NORMS OF THE UGC NORMS**
- P5: COPIES OF INVITATION LETTERS RECEIVED BY THE PETITIONER FROM INDIAN COUNCIL OF HISTORICAL RESEARCH, NEW DELHI, DATED 4/6/10 AND 11/6/04**
- P6: COPY OF LETTER DATED 23/10/10 RECEIVED BY THE PETITIONER FROM UGC ALONG WITH THE ABSTRACT SUBMITTED BY THE PETITIONER**

RESPONDENTS' EXHIBITS

- R1(A): COPY OF THE ORDER NO.4650/AD.A3/05/SSUS DATED 29/6/05 OF THE R1**
- R1(B): COPY OF THE OFFER OF ADMISSIN DATED 12/7/05 AT THE INTERNATIONAL BIBLE INSTITUTE OF LONDON TO THE PETITIONER**
- R1(C): COPY OF THE ORDER NO.AD.A2/6589/2000 DATED 27/2/2001 OF THE R1**
- R1(D): COPY OF THE UNIVERSITY ORDER NO.2043/AD.A3/PHD/LEAVE/2001 DATED 17/5/2001**
- R1(E): COPY OF THE LEAVE APPLICATION DATED 26/7/05 SUBMITTED BY THE PETITIONER TO THE UNIVERSITY.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.29411 of 2010**  
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Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner, while working as Senior Lecturer in the Sree Sankaracharya University of Sanskrit, Kalady availed leave without allowance for pursuing higher studies abroad. Necessary permission was granted. However, she was denied promotion to the post of Reader. Though she made a representation, that was declined and therefore, she has approached this Court.

2. In the counter affidavit it is stated that the petitioner was sanctioned leave without allowance in accordance with the provisions under the Appendix XII B of the Kerala Service Rules. Ext.R1(a) produced along with the counter affidavit is the order sanctioning leave without allowance to the petitioner. It is also stipulated in Ext.R1(a) order that the petitioner will

lose seniority in higher grades/grades. Learned Standing Counsel for the respondents therefore submits that the claim of the petitioner is unsustainable. It is also submitted that the course of study undertaken by the petitioner is not Diploma in History instead it is Diploma in Christian Ministry and the institution where she attended the course is the International Bible Institute of London and, further that she has also omitted to state the name Bible while mentioning the name of the institute.

3. The petitioner's case is that she has taken leave without allowance for higher studies and therefore, it cannot result in lose of any right of seniority for the purpose of promotion. It is further pointed out that merely because the petitioner has stated in the writ petition that she has taken leave without allowance for undertaking Diploma in History in International Institute of London by omitting the name "Bible" in the name of the institute, that cannot be a ground to reject her claim.

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4. I am of the view that this essentially is a matter to be raised before the University to have an appraisal of the nature of study undertaken by the petitioner. Therefore, if the petitioner makes a proper representation before the Vice Chancellor of the University, the same shall be considered within a period of two months from the date of receipt of the application. The petitioner shall make representation within two weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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