

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 29084 of 2015 (I)

PETITIONER:

**ANILAJAN P.B AGED 56 YEARS
HATCHERY ASSISTANT - CUM - SYRANG & DRIVER,
SCHOOL OF INDUSTRIAL FISHERIES,
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
KOCHI - 16.**

**BY ADVS.SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN**

RESPONDENT:

**COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
REPRESENTED BY ITS REGISTRAR, COCHIN - 682 022.**

BY SRI.MILLU DANDAPANI, STANDING COUNSEL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENIX

PETITIONER'S EXHIBITS

- P1 : COPY OF THE APPOINTMENT ORDER OF THE PETITIONER VIDE NO.AD.A3/14797/96 DATED 18.12.1997 ISSUED BY THE RESPONDENT
- P2 : COPY OF THE CERTIFICATE DATED 02.09.2015 ISSUED BY THE DIRECTOR OF SCHOOL OF INDUSTRIAL FISHERIES
- P3 : COPY OF THE REQUEST DATED 21.08.2015 SUBMITTED BY THE FACULTY MEMBERS OF THE DEPARTMENT BEFORE THE RESPONDENT
- P4 : COPY OF THE REQUEST SUBMITTED BY THE STUDENTS AND RESEARCH SCHOLARS BEFORE THE RESPONDENT UNIVERSITY TO PERMIT THE PETITIONER TO CONTINUE IN SERVICE AFTER 30.09.2015
- P5 : COPY OF THE JUDGMENT DATED 21.02.2013 IN W.P.(C) 16981/2012 OF THIS HON'BLE COURT
- P6 : COPY OF THE JUDGMENT DATED 02.09.2010 IN W.P.(C) 27626/2004 OF THIS HON'BLE COURT
- P7 : COPY OF THE ORDER DATED 10.06.2014 IN W.P.(C) NO.14631/2014 OF THIS HON'BLE COURT
- P8 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT ON 11.09.2015

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.29084 of 2015 - I

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Dated this the 25th day of September, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner is sought to be retired on 30.09.2015, the admitted date of superannuation. The grievance arises from the fact that the teaching staff of all Educational Institutions as per Rule 60(c) of Part-I Kerala Service Rules are entitled to continue till the end of the academic year and the petitioner though, not strictly coming within the definition of a 'teaching staff', would be a person, assisting the training imparted to the students. The petitioner also relies on Exts.P5 and P6 judgments, by which Technical Assistants were allowed to be continued under Rule 60 (c) of Part-I K.S.R

2. The learned Standing Counsel appearing for the respondent University however would contend that there is a

clear distinction insofar as Exts.P5 and P6 dealt with Technical Assistants and this Court had drawn a parallel from the explanation appended to Rule 60(c) of Part-IK.S.R, which included Technical Assistants. The petitioner being a Hatchery Assistant-cum-Syrang and Driver would not come within the definition of a Technical Assistant and he cannot be said to be one assisting the training processes.

3. However, it is to be noticed that the faculty had requested the continuance of the petitioner especially since there is no other person to carry on the operations of the small research vessel attached to the University. The University is a primary institution, imparting education in Marine Sciences and Ext.P3 would indicate that the research vessel operated by the petitioner, is the only means of collecting samples for the students of Industrial Fisheries and Marine Sciences.

5. In such circumstance, despite the fact that the petitioner may not strictly come under the definition of teaching staff, he definitely aids in the process, since sample collection

would be an important aspect of the training of the students.

6. In any event, the petitioner has filed a representation at Ext.P8. It is only proper that the Registrar of the University consider the representation as also the report of the faculty members appended at Ext.P3 after affording an opportunity to the petitioner as also any of the faculty members, if found necessary. The petitioner shall submit a copy of the writ petition along with a certified copy of this judgment before the Registrar on 28.09.2015 and the Registrar shall give an opportunity of hearing to the petitioner on the very same day and pass orders. If the orders are against the petitioner, the petitioner shall be continued for a week, by which time he shall be entitled to move the appropriate forum.

The writ petition is disposed of.

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

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P.A to Judge.