

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 33552 of 2009 (L)

PETITIONER(S) :

1. RIYAD A.M.,
LECTURER, DEPARTMENT OF COMPUTER SCIENCE
EMEA COLLEGE OF ARTS & SCIENCE, KONDOTTI
MALAPPURAM DISTRICT.
2. JAMSHEELA
LECTURER, DEPARTMENT OF COMPUTER SCIENCE
EMEA COLLEGE OF ARTS & SCIENCE, KONDOTTI
MALAPPURAM DISTRICT.
3. MOHAMMED JAMSHAD R.,
LECTURER, DEPARTMENT OF COMPUTER SCIENCE
EMEA COLLEGE OF ARTS & SCIENCE, KONDOTTI
MALAPPURAM DISTRICT.
4. SHAMSUDEEN E.,
LECTURER, DEPARTMENT OF COMPUTER APPLICATION
EMEA COLLEGE OF ARTS & SCIENCE, KONDOTTI
MALAPPURAM DISTRICT.
5. THE MANAGER
EMEA COLLEGE OF ARTS & SCIENCE, KONDOTTI
MALAPPURAM DISTRICT.

**BY SENIOR ADVOCATE SRI. BABU VARGHESE
BY ADV. SRI.JOHNSON T. JOHN**

RESPONDENT(S) :

1. THE UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR,
CALICUT UNIVERSITY PO-673 635.
2. THE STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

3. THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, P.M.G.JUNCTION,
THIRUVANANTHAPURAM- 673 020.
4. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
CALICUT-673 020.
5. THE UNIVERSITY GRANTS COMMISSION
REP. BY ITS SECRETARY, BAHADUR SHAH ZAFAR MARG
NEW DELHI - 110 002.

R1 BY ADVS. SRI.SANTHOSH MATHEW, SC
SRI.P.C.SASIDHARAN, SC
R2 TO R4 BY GOVT. PLEADER SMT. SUNITHA VINOD
R5 BY ADV. SRI.S.KRISHNAMOORTHY, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE RELEVANT PORTION OF G.O.(MS) NO. 30/2001 H.EDN DATED 27.3.2001.**
- EXT.P1(a) COPY OF THE RELEVANT PORTION OF G.O.(MS) NO. 109/2001 H.EDN DATED 11.9.2001.**
- EXT.P1(b) COPY OF THE UNIVERSITY ORDER DATED 20.10.2001 GRANTING AFFILIATION.**
- EXT.P2 COPY OF THE STATEMENT OF RE-ASSESSMENT OF WORK LOAD DATED 16-10-2003.**
- EXT.P2(a) COPY OF THE STATEMENT OF THE WORK LOAD FOR THE SUBJECT COMPUTER SCIENCE.**
- EXT.P2(b) COPY OF THE STATEMENT OF THE WORK LOAD FOR THE SUBJECT COMPUTER APPLICATION.**
- EXT.P2(c) COPY OF THE STAFF FIXATION STATEMENT 2008-09.**
- EXT.P3 COPY OF THE JUDGMENT DATED 1.6.2005 IN WP(C) NO. 16482/05.**
- EXT.P4 COPY OF THE MINUTES OF THE STATUTORY SELECTION COMMITTEE HELD ON 20TH AUGUST 2005.**
- EXT.P5 COPY OF THE APPOINTMENT ORDER DATED 27.8.2005 ISSUED BY THE MANAGER IN FAVOUR OF 1ST PETITIONER.**
- EXT.P5(a) COPY OF THE APPOINTMENT ORDERS DATED 27.8.2005 ISSUED BY THE MANAGER IN FAVOUR OF 2ND PETITIONER.**
- EXT.P5(b) COPY OF THE APPOINTMENT ORDERS DATED 27.8.2005 ISSUED BY THE MANAGER IN FAVOUR OF 3RD PETITIONER.**

(Contd...)

WP(C).No. 33552 of 2009 (L)

- EXT.P5(c) COPY OF THE APPOINTMENT ORDERS DATED 27.8.2005 ISSUED BY THE MANAGER IN FAVOUR OF 4TH PETITIONER.**
- EXT.P6 COPY OF THE PROPOSAL DATED 17.3.2006.**
- EXT.P7 COPY OF THE U.G.C. ORDER DATED 11.11.2006 GRANTING EXEMPTION FROM NET EXAMINATION IN RESPECT OF 1ST PETITIONER.**
- EXT.P7(a) COPY OF THE U.G.C. ORDER DATED 11.11.2006 GRANTING EXEMPTION FROM NET EXAMINATION IN RESPECT OF 2ND PETITIONER.**
- EXT.P7(b) COPY OF THE U.G.C. ORDER DATED 11.11.2006 GRANTING EXEMPTION FROM NET EXAMINATION IN RESPECT OF 3RD PETITIONER.**
- EXT.P7(c) COPY OF THE U.G.C. ORDER DATED 11.11.2006 GRANTING EXEMPTION FROM NET EXAMINATION IN RESPECT OF 4TH PETITIONER.**
- EXT.P8 COPY OF THE LETTER DATED 9.6.2009 SENT BY THE PRINCIPAL TO THE 5TH RESPONDENT THROUGH THE UNIVERSITY.**
- EXT.P8(a) COPY OF THE FORWARDING LETTER OF THE REGISTRAR OF THE UNIVERSITY DATED 13.8.2009.**
- EXT.P9 COPY OF THE U.G.C. ORDER DATED 4.11.2008 GRANTING PERMANENT EXEMPTION IN FAVOUR OF CERTAIN TEACHERS.**
- EXT.P10 COPY OF THE UNIVERSITY LETTER DATED 5.5.2006 ADDRESSED TO THE PRINCIPAL SEEKING CERTAIN DETAILS.**
- EXT.P11 COPY OF THE G.O.(RT) NO. 365/04 H.EDN DATED 16.3.2004.**
- EXT.P11(a) COPY OF THE UNIVERSITY ORDER DATED 31.3.2004 GRANTING APPROVAL TO CERTAIN TEACHERS.**
- EXT.P12 COPY OF COMMUNICATION DATED 16TH MARCH 2010.**

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WP(C).No. 33552 of 2009 (L)

- EXT.P13 COPY OF ORDER DATED 14.5.2010 GRANTING APPROVAL.
- EXT.P14 COPY OF G.O. DATED 20.8.2010 ISSUED BY THE 2ND RESPONDENT WITH RELEVANT PORTION OF THE APPENDIX.
- EXT.P15 COPY OF THE LETTER DATED 4.11.2010 OF THE PRINCIPAL OF THE COLLEGE ADDRESSED TO THE 4TH RESPONDENT FORWARDING THE 'PROTEST' RECEIVED FROM THE PETITIONER TEACHERS.
- EXT.P16 COPY OF THE LETTER DATED 23.12.2010 SENT BY THE 4TH RESPONDENT.
- EXT.P17 COPY OF THE UNIVERSITY LETTER DATED 10.12.2010.
- EXT.P18 COPY OF THE UGC COMMUNICATION DATED 2.6.2010.
- EXT.P19 COPY OF THE NATIONAL ELIGIBILITY TEST (NET) CERTIFICATE AS ALSO MASTER OF PHILOSOPHY IN COMPUTER SCIENCE AWARDED BY BHARATHIAR UNIVERSITY TO THE 1ST PETITIONER.
- EXT.P19(a) COPY OF THE NATIONAL ELIGIBILITY TEST (NET) CERTIFICATE AS ALSO MASTER OF PHILOSOPHY IN COMPUTER SCIENCE AWARDED BY BHARATHIAR UNIVERSITY TO THE 2ND PETITIONER.
- EXT.P19(b) COPY OF THE NATIONAL ELIGIBILITY TEST (NET) CERTIFICATE AS ALSO MASTER OF PHILOSOPHY IN COMPUTER SCIENCE AWARDED BY BHARATHIAR UNIVERSITY TO THE 3RD PETITIONER.
- EXT.P19(c) COPY OF THE NATIONAL ELIGIBILITY TEST (NET) CERTIFICATE AS ALSO MASTER OF PHILOSOPHY IN COMPUTER SCIENCE AWARDED BY BHARATHIAR UNIVERSITY TO THE 4TH PETITIONER.
- EXT.P20 COPY OF THE JUDGMENT DATED 14.1.2005 IN CIVIL APPEAL NOS. 8459-8461/2010.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.33552 of 2009

Dated this the 12th day of March, 2015

JUDGMENT

Petitioners' appointments were approved by the University as per Ext.P13 with effect from the date of appointment. By Ext.P14, the Government ratify the appointment only with effect from the date of Government Order i.e., on 20.8.2010. This Government Order is under challenge. In fact, the issue is covered in favour of the petitioners by virtue of the judgment produced before this Court as Ext.P20 by the Hon'ble Supreme Court in Civil Appeal No.8459/2010 and connected matters.

In view of the above, the petitioners are entitled for salary and allowances with effect from the date of approval given by the University as per Ext.P13. Needful shall be done by the respondents to disburse the salary and allowances to the petitioners within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE