

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT.JUSTICE P.V.ASHA

TUESDAY ,THE 05TH DAY OF MARCH 2019 / 14TH PHALGUNA, 1940

WP(C).No.32980 of 2011

PETITIONER/S:

DR.BINDU M.S.
SOORYAKANTHI,, T.C.5/2550 (5),, KOWDIAR.P.O.,
THIRUVANANTHAPURAM-695 003.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENT/S:

- 1 UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM, REPRESENTED BY ITS REGISTRAR.
- 2 SYNDICATE OF THE UNIVERSITY OF KERALA
REPRESENTED BY THE VICE CHANCELLOR.
- 3 THE MANAGER
ALL SAINTS' COLLEGE, BEACH P.O.,,
THIRUVANANTHAPURAM.
- 4 DR.RESHMA.J.K. ASSISTANT PROFESSOR
DEPARTMENT OF ENVIRONMENTAL SCIENCE,, ALL SAINTS
COLLEGE, THIRUVANANTHAPURAM.
- 5 DR. AAYONA JAYADEV ASSISTANT PROFESSOR
DEPARTMENT OF ENVIRONMENTAL SCIENCE, ALL SAINTS
COLLEGE, THIRUVANANTHAPURAM.
- 6 SMITHA ASOK ASSISTANT PROFESSOR
DEPARTMENT OF ENVIRONMENTAL SCIENCE, ALL SAINTS
COLLEGE, THIRUVANANTHAPURAM.
- 7 RAJANI.V.
ASSISTANT PROFESSOR,, DEPARTMENT OF ENVIRONMENTAL
SCIENCE,, ALL SAINTS COLLEGE, THIRUVANANTHAPURAM.

BY ADVS.
SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
SMT.K.AMMINIKUTTY
SRI.GEORGE POONTHOTTAM, SC, KERALA UTY.

SRI.LAL GEORGE
SRI.N.RAGHURAJ
SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04.02.2019, ALONG WITH WP(C).569/2013, WP(C).783/2013, THE COURT
ON 05.03.2019 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY ,THE 05TH DAY OF MARCH 2019 / 14TH PHALGUNA, 1940

WP(C).No. 569 of 2013

PETITIONER/S:

THE MANAGER ,
ALL SAINTS COLLEGE, BEACH P.O., THIRUVANANTHAPURAM
- 695 007.

BY ADVS.
SRI.P.RAVINDRAN (SR.)
SRI.M.R.SABU

RESPONDENT/S:

- 1 UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, THIRUVANANTHAPURAM -
695 034.
- 2 THE VICE CHANCELLOR
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM - 695 034.
- 3 BINDHU M.S.
SOORYAKANTHI, T.C.5/2550(5), KOWDIAR P.O.,
THIRUVANANTHAPURAM - 695 003.
- 4 RAJANI.V.
ASSISTANT PROFESSOR IN ENVIRONMENTAL SCIENCE, ALL
SAINTS' COLLEGE, BEACH P.O., THIRUVANANTHAPURAM -
695 007.
- 5 ADDL.R5- SMITHA ASOK.V.
ANANYA, TC 27/956 (2), ATHANI LANE, VANCHIYUR,
THIRUVANANTHAPURAM - 695 053.
- 6 ADDL.R6-DR.J.K.RESHMA,
A4, PLAMOOTIL APARTMENTS, KESTON ROAD, KOWDIAR,
THIRUVANANTHAPURAM.
- 7 ADDL.R7-DR.AYONA JAYADEV
CHEPPU, MANGATTUKONAM, KATTAYIKONAM.P.O.,
THIRUVANANTHAPURAM -695584.

ADDL.R5 TO R7 ARE IMPEADED AS PER ORDER DATED
17/1/2013 IN IA NO. 846/13

BY ADVS.

SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.

SRI.N.RAGHURAJ

SRI.P.C.SASIDHARAN

SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

SRI.GEORGE POONTHOTTAMSKERALA UTY.

SRI.GEORGE POONTHOTTAMSKERALA UTY.12

SRI.N.N.SUGUNAPALAN (SR.)

SRI.S.SUJIN

SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04.02.2019, ALONG WITH WP(C).32980/2011, WP(C).783/2013, THE
COURT ON 05.03.2019 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY ,THE 05TH DAY OF MARCH 2019 / 14TH PHALGUNA, 1940

WP(C).No. 783 of 2013

PETITIONER/S:

RAJANI V. ,
AGED 31 YEARS
ASSISTANT PROFESSOR OF ENVIRONMENTAL SCIENCES, ALL
SAINTS' COLLEGE, BEACH P.O., THIRUVANANTHAPURAM-7

BY ADVS.
SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENT/S:

- 1 THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, THIRUVANANTHAPURAM-
695034.
- 2 THE VICE CHANCELLOR,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695034.
- 3 THE SYNDICATE OF THE UNIVERSITY OF KERALA,
REPRESENTED BY THE VICE CHANCELLOR, UNIVERSITY OF
KERALA, THIRUVANANTHAPURAM-695034.
- 4 THE MANAGER,
ALL SAINTS' COLLEGE, BEACH P.O.,
THIRUVANANTHAPURAM-695007.
- 5 BINDHU M.S. ,
SOORYAKANTHI, T.C.5/2550(5), KOWDIAR P.O.,
THIRUVANANTHAPURAM-695003.

BY ADVS.
SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.
SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
SRI.GEORGE POONTHOTTAMSKERALA UTY.
SRI.M.R.SABU
SRI.P.C.SASIDHARAN
SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04.02.2019, ALONG WITH WP(C).32980/2011, WP(C).569/2013, THE
COURT ON 05.03.2019 DELIVERED THE FOLLOWING:

P.V.ASHA, J.

W.P. (C) Nos.32980 of 2011

&

569 & 783 of 2013

Dated this the 5th day of March, 2019

JUDGMENT

All these writ petitions relate to the selection and appointment to the post of Assistant Professors in Environmental Science in All Saints' College, Thiruvananthapuram, which is an aided Private College affiliated to the University of Kerala.

2. The All Saints' College, Thiruvananthapuram invited applications for appointment to the post of Assistant Professors in various disciplines as per notification published in newspapers on 24.08.2011 (Ext.P3 in WP(C).No.32980/2011). The qualifications prescribed were as per the norms of UGC/University of Kerala/Govt. of Kerala.

3. Dr.Bindu M.S, who is the petitioner in WP(C) No.32980/2011 submitted application for appointment to the post of Assistant Professors in Environmental

Science. She is a Post Graduate in Aquatic Biology in Fisheries with Ph.D in Environmental Science. She claims that she is a recipient of Fulbright Fellowship for Indo-American Environmental Leadership Program and that she has achieved various awards and that there are 18 publications in her credit in reputed National and International Journals.

4. After certificate verification conducted on 8.10.2011, 11 candidates including Dr.Bindu and Dr.Rajani, who is the petitioner in W.P.(C).No. 783 of 2013, who were shortlisted were subjected to an interview conducted in the College on 10.10.2011. A select list with 4 candidates including Smt.Rajani at Sl.No.4 was published on 11.10.2011 and those 4 candidates including Smt.Rajani, who are respondents 4 to 7 in W.P.(C).No.32980 of 2011 were appointed as per Ext.P17 series of orders.

5. Dr.Bindu challenged the appointment of the 4 candidates filing W.P.(C).No.32980 of 2011 after submitting representations before the University and

Vice Chancellor. After the filing of the counter affidavit and the reply affidavit in that writ petition, this Court passed an interim order on 15.3.2012, the operative portion of which read as follows:

"Since the statutory authority is in seisin of the matter, at this stage this Court will not be justified in calling for the selection papers and verifying the same. Such an exercise will have to be done by the University itself. In that view of the matter, the interim order dated 12.12.2011 is vacated. There will be a direction to respondents 1 and 2, viz. the University to consider the pleas raised by the petitioners in both the writ petitions before any orders are issued with regard to the approval or otherwise of the appointment. All opportunities will be given to them and to the contesting respondents to substantiate their contentions. The petitioners can file any additional representation, if they wish to make, along with a copy of this interim order, within a period of one week. Thereafter, the respective parties will be heard by the competent authority, of the University expeditiously, at any rate, within a period of two months from the date of receipt of the representation. In the light of the above, I have refrained from considering the points argued, on its merit."

6. Thereafter the Vice Chancellor, after hearing all the parties, issued order dated 12.12.2012, directing the Educational Agency to assign two marks to Dr.Bindu for the 5th published work for which she was eligible at the time of interview, which would enhance her marks in published works to 10. The order passed by

the Vice Chancellor, which is produced as Ext.P7 in W.P.(C).No. 569/2013 as well as W.P.(C).No.783/2013 is challenged by the Management and Smt.Rajani. Smt.Rajani, who was ranked No.4 would be adversely affected in the event of implementation of the order passed by the Vice Chancellor.

7. In the writ petition filed by the management the main contentions are the following:

8. *The power of the Syndicate while deciding to approve the appointment made by the Educational Agency is very limited. Statue 14 of the Kerala University First Statue 1979 does not give any discretion to the Syndicate in the matter. Once the select committee prepared a select list and the educational agency makes an appointment in accordance with the select list, the Syndicate is to accord formal approval. This function does not extend to assessing the merits and demerits of the decision of the select committee. The decision of the Educational Agency appointing a person as teacher can be challenged before the Kerala University Appellate Tribunal constituted under Section 57 of the Act. The only Forum which can look into the correctness or otherwise of the decision of the Educational Agency is the Appellate Tribunal.*
9. *The select committee prepared a rank list after scrutinizing the eligibility of each candidate on the basis of the materials made available to it. The 3rd respondent at the time of selection produced before the select committee the materials to show that she had four published works in approved journals. As per the marking system for every approved published work, a candidate is entitled to two marks subject to a maximum of 10 marks. Since the number of approved published works of the 4th respondent was four she was awarded 8 marks. The University expert who had perused the published works produced by each of the candidates and prepared a list of the same at the time of selection and submitted to the*

select committee for reference. True copy of the list is produced herewith and may be marked as Ext.P6.

8. None of the respondents have filed any counter affidavit in W.P.(C) No.569/2013, in which the list of published works and the number of those in approved journal are given. Dr.Bindu has filed a counter affidavit in W.P.(C) No.783 of 2013.

9. As at present the issue which requires consideration is whether Vice Chancellor is competent to direct the educational agency to assign marks to a candidate and whether the educational agency can add marks after preparation of the rank list by a statutory selection committee.

10. The Vice Chancellor found that out of the five articles submitted by Dr.Bindu at the time of hearing, four were seen published whereas one article was published in the journal of Indian Hybridology/(sic Indian Hydrobiology). The Vice Chancellor stated that on examination of the articles it was found that Dr. Bindu was denied eligible marks. So thereafter the

matter was placed before the Standing Committee of the Syndicate and the Committee after obtaining a clarification from the Standing Counsel resolved to approve the recommendation. Accordingly, the Vice Chancellor ordered the educational agency to assign two more marks to Dr.Bindu.

11. The Manager of the College has filed a counter affidavit and an additional counter affidavit stating that the petitioner does not have the qualification prescribed for Asst.Professor in Environmental Science; her Ph.D in Environmental Science alone will not be sufficient for appointment; respondents 4 to 7 has got qualification in the concerned subject. Even though, there were serious objections with respect to the qualification of Dr.Bindu, that is no more an issue for consideration as she is already treated as qualified. In the additional counter affidavit, it was stated that the performance of the petitioner in the interview was very poor and the selection committee awarded her very low marks depending upon her performance. The

management also pointed out that the academic achievements of selected candidates were very much higher when compared to that of petitioner. It is also stated that petitioner could not answer the questions related to the subject put to her by the subject expert. It was stated that petitioner's remedy was to file an appeal before the University Appellate Tribunal. Regarding the publications claimed by the petitioner, it was stated that the selection committee can award marks only for publications in the journals approved/recognised by the University. The subject expert had carefully examined the publication and found that only four of her publications were in the approved/recognised journals. As petitioner had produced only four publications in the approved journals at the time of interview, the selection committee could award marks only to those publications and no candidate would be permitted to produce any document after completion of the interview. The marks were awarded by an interview board consisting of subject experts and Government nominee. Therefore

petitioner cannot challenge the wisdom of the selection committee.

12. Smt. Rajani, the petitioner in WP(C) No.783/2013 is already appointed; but she would be ranked below Dr.Bindu if the order passed by the Vice Chancellor is implemented. She was working as a Guest Lecturer in the very same Department in All Saints' College from 04.07.2007 onwards. She was included at rank No.4 in the list of selected candidates. According to Smt.Rajani, the marks are awarded to the publication in the journal of Indian Hydbridology, when such a journal is not included in the list of journals approved by the University (which is produced as Ext.P6 in W.P.(C) No.569/2013). It is stated that Dr.Bindu had submitted the details of the 4 approved publications only at the time of her interview. The subject expert had mentioned that Dr.Bindu had submitted only the details of four approved publications. Therefore, it was alleged that the 5th publication would have been produced only subsequently to the interview or at the

time of hearing.

13. The contention of the management as well as that of Dr.Rajani is that the Vice Chancellor does not have any authority to direct the educational agency to add marks awarded to a candidate by the selection committee. Pointing out the provisions contained in the University First Statue relating to the conditions of service of Teachers in Aided Colleges, the learned Senior Counsel for the management in W.P.(C).No. 569 of 2013, argued that even the power conferred on the Syndicate is limited to verify whether the appointment is made in accordance with the staff pattern and qualification, at the stage of approval and not to award or alter the marks of the candidates, which is exclusively within the realm of the statutory selection committee and that the educational agency has made the appointments in accordance with the Statutes and the Regulations. It is pointed out that there is no allegation of malafides against any of the members of the selection committee and none of them is impleaded

in the Writ Petition. Therefore, the marks awarded by the selection committee cannot be touched.

14. Producing Ext.P6 list (in WP(C) No.569/2013) of published works of each of the candidates produced at the time of interview, along with the number of published works in approved journals, the management as well as the appointed candidates submit that marks were awarded to all the publications in approved journals produced by the petitioner at the time of interview. According to them, Dr.Bindu was awarded 8 marks for the 4 publications in approved journals. It is their case that the Vice Chancellor has exercised a power which is not conferred on him. It is their further contention that the petitioner has not approached the appellate Tribunal invoking the statutory remedy.

15. The claim raised by Dr.M.S.Bindu is based on Ext.P8 Regulations (in WP(C) No.32980/11) framed by the University of Kerala, which provides for the marks to be assigned under various heads. Her complaint is against the marks awarded on various heads including

that given to her at the time of interview; she was awarded only one mark by the subject expert whereas other candidates were granted marks above 7, 8, 9 etc; in order to avoid her the selection committee awarded high marks to the candidates whom the management wanted to appoint, without considering her academic achievements.

16. The learned counsel for Dr.M.S.Bindu relied on the judgments of this Court in WP(C) No.22907/2014 and in W.A.No.1680/2014 and argued that there is nothing illegal in adding marks; the Vice Chancellor passed the order pursuant to the direction of this Court and that relief cannot be denied for not availing statutory remedy.

17. Even though, there were serious objections with respect to the qualification of Dr.Bindu, that is no more an issue for consideration as she is already treated as qualified. The common contention of the management and Smt.Rajani is that the 2nd respondent, Vice Chancellor does not have any authority to sit in

judgment over the deliberations of the selection committee and the 5th publication was not produced even at the time of interview.

18. Heard the learned Senior Counsel Sri. P.Ravindran for petitioner in W.P.(C) 569 of 2013, Sri. P.C. Sasidharan and Sri. N. Raghuraj, learned Counsel appearing for petitioners in these cases; M/s Lal George, learned Counsel for the respondents and Sri. Thomas Abraham, the learned Counsel for the Kerala University. The issue which requires to be examined is as to the authority of the Vice Chancellor in directing to add marks resulting in modification of the select list published by the selection committee.

19. Chapter 2 of the Kerala University (Conditions of Service of Teachers and Members of the Non Teaching Staff) First Statute, 1979 deals with the procedure for appointment of teachers. Statute 4 which provides for the constitution of selection committee by the educational agency reads as follows:

Constitution of Selection Committee for appointment.-

(1) In order to ensure that appointments of teachers by direct recruitment are on the basis of merit such appointments shall be made by the Educational Agency from a panel of three names for every vacancy recommended by a selection committee constituted by the Educational Agency and consisting of the following members namely:-

(a) two representatives of Educational Agency nominated by it one of whom shall be the Chairman of the Selection Committee;

(b) the Principal of the College;

(c) the Head of Department in the subject concerned; and

d) one expert in the subject nominated by the Vice-Chancellor

2) Three members including the member referred to in item (d) shall constitute the quorum for a meeting of the Selection Committee.

3) Notwithstanding anything contained in clause (1), in the case of any Educational Agency which has voluntarily entered into a written agreement with the Government for the direct payment of salaries to the teachers and the non-teaching staff of its Arts, Science or Training Colleges, appointments of teachers, whether provisional or permanent, shall be made only from a list of persons prepared by a selection committee constituted by the Educational Agency and consisting of the following members, namely:-

a) two representatives of the Educational Agency nominated by it:

b) a person nominated by the Educational Agency from amongst the Principal, Heads of Departments and Professors of the College or where the Educational Agency has two or more colleges, from amongst the Principals, Heads of Departments and Professors of all those Colleges:

Provided that before making any such nomination, the Educational Agency shall obtain the concurrence of the University.

c) one member chosen by the Educational Agency from among the Secretaries to the Government and the District Collectors:

Provided that if for any reason the Government consider that the officer chosen by the Educational

Agency cannot be deputed to the Selection Committee, the Educational Agency shall choose another officer from amongst the said categories:

d)one expert chosen by the Educational Agency from a subject-wise list of experts prepared by the University containing not less than five members and made available to the educational agency on its request at the beginning of each academic year;

Provided that if the Educational Agency considers that the list is insufficient, it may request for more names to be included in the list and the University, shall, as far as possible, comply with such request:

4)A representative of the Educational Agency referred to in item (a) of clause (3) or the member referred to in item (b) of that clause, as may be decided by the Educational Agency, shall be the Chairman and the convener of the Selection Committee constituted under the said clause.

5)The Selection Committee constituted under clause (1) or clause (3) shall meet as often as is necessary.

20. In the judgment in W.A.No.1680/2014, the question considered was with respect to the marks awarded to the candidates for appointment as Asst. Professor in an Aided College against her qualification in National Eligibility Test. In that case, when the proposal for approval of appointment was forwarded to the University, the Syndicate found that the candidate appointed was awarded 15 marks for her NET, whereas as per the University Regulations, 15 marks are admissible only if a candidate is having Ph.D. By way of awarding additional marks, the candidate became ranked 2nd

whereas she would have been ranked only 6th. The University constituted a sub committee and after hearing the Principal and Manager decided not to approve the appointment. In that case, the writ petition was allowed in favour of the candidate appointed observing that the power of the Syndicate was confined to the verification of appointment with respect to staff pattern fixed by the University and the qualification of the candidate and the Syndicate was not expected to make an enquiry into the procedure followed in awarding marks. But in the Writ Appeal, it was found that the University is empowered to verify whether the marks awarded with respect to the qualification are as per the instructions issued to the educational agency and Aided Colleges and as per the regulations and orders issued by the University and that Syndicate is bound to look into it from the records available before deciding the question of approval. Statute 10 provides that selection committee shall prepare a select list on the basis of merit. The action of the Syndicate was upheld in the Writ Appeal.

21. In the judgment dated 09.01.2017 in WP(C)No.22907/2014, the question was relating to marks awarded to a candidate for Ph.D. Ph.D was awarded subsequent to the last date fixed for receipt of application. Seeing that the awarding of marks to the candidate for Ph.D by the selection committee was not in accordance with law, this Court set aside the score sheet to the extent it awarded 10 marks and directed to revise the rank list relating to the marks awarded for Ph.D. It was found that Ph.D was awarded to her only after the last date fixed for submitting applications. The marks awarded for Ph.D to that candidate was found vitiated. The contention raised in that case with respect to the statutory remedy available before the Tribunal was repelled taking note of the filing of the Writ Petition immediately after the appointment was made and that approval was made subject to the result of the writ petition and the pendency of the writ petition for a long time before this Court. Therefore this writ petition is not liable to be dismissed on the ground of not availing statutory remedy.

22. It is pertinent to note that the marks are directed to be added with respect to the published works of the candidates. In WP(C) No.569/2013, the Manager of the All Saints' College, has produced Ext.P6 list of publications, produced by each of the candidates, who attended the interview indicating the publications and those which are approved by the University. From Ext.P6, it is seen that Dr.Bindu.M.S. has produced 8 publications of which 4 publications were not approved and 4 were published in approved journals. In the score sheet, the total marks of Dr.Bindu was 55.8. The contention of the Management is that the petitioner had only four publications to her credit which are approved by the University is not seen controverted by Dr. Bindu.

23. The judgment in W.A.No.1680/2014 and the judgment in W.P.(C).No.22907/2014 have upheld the action of the syndicate in directing to reduce the marks awarded for Ph.D. In the W.A., the syndicate found the irregularity when the records were placed for

approval. In the present case, it is ordered by the Vice Chancellor. The competent authority to look into the selection leading to the appointments would only be the Syndicate. The Vice-Chancellor cannot have any authority to direct modification of marks awarded by the University.

24. The contentions raised by Dr.Bindu relating to awarding of marks by the subject expert, the comparative merit of the candidates etc., cannot be gone into by this Court under Article 226 of the Constitution of India, especially when the petitioner has not raised any allegation of malafides and none of the members of the selection committee is impleaded as parties to the writ petition, as held by the Apex Court in a series of judgments including Dalpat Abasaheb solunke and others v. Dr.B.S.Mahajan and others [1990 (1) SCC 305].

25. It is seen that the publication mentioned in the order of the Vice Chancellor for which addition of marks is ordered, is not included in Ext.P6 list of

publications and Dr.Bindu has not filed any counter affidavit in W.P.(C).No.569/2013; she has not chosen to controvert the contention of the management that she had not produced the publication at the time of interview. Even though, Dr.Bindu had filed a counter affidavit in WP(C) No.783/2013, she has not stated the publications which she produced at the time of interview, though she has produced a copy of her application without annexures. The Vice Chancellor in his proceedings dated 12.12.2012 stated that all the five articles submitted by Dr.Bindu on the day of hearing were included in the list of approved journals of the University, of which four of them were published in "Journal of Seaweed Research and Utilization" and one in "Journal of Indian Hybridology". However the fact whether Dr.Bindu had produced the same at the time of interview is not seen considered by the Vice-Chancellor.

26. Relying on Ext.P6 list issued by the subject expert, it has been the stand of the management that

the article was not produced at the time of interview. An article which was not produced at the time of interview cannot be directed to be considered and awarded marks. As against the direction of this Court to the University, the order is passed by the Vice Chancellor, who does not have any authority under the University Act, Statute or Regulations to direct addition of marks to candidates over the marks. Therefore the order passed by the the Vice Chancellor is without any authority.

Hence Ext.P7 order in W.P.(C).Nos.569 of 2013 and 783 of 2013 are set aside. However, in the light of the judgment in the W.A.No.1680/2014, it is made clear that it would be open to the Syndicate to look into the aspect at the time of considering the proposal for approval of the appointments of the respondents 4 to 7 in the W.P.(C).No.32980 of 2011, as to whether marks awarded for the publications which were produced at the time of interview are in tune with the University Regulations.

W.P.(C) Nos.32980/11 & 569&783/13

:27:

These writ petitions are disposed of accordingly.

Sd/-

P.V.ASHA

JUDGE

rkc

APPENDIX OF WP (C) 32980/2011

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE PH.D CERTIFICATE AWARDED TO THE PETITIONER.
EXHIBIT P2	TRUE COPY OF CURRICULUM VITAE.
EXHIBIT P3	TRUE COPY OF THE NOTIFICATION IN MALAYALA MANORAMA DAILY DATED 24/08/2011.
EXHIBIT P4	TRUE COPY OF THE MINUTES OF THE BOARD OF STUDIES IN ENVIRONMENTAL SCIENCE DATED 13/01/2011.
EXHIBIT P5	TRUE COPY OF THE MINUTES OF THE BOARD OF STUDIES IN ENVIRONMENTAL SCIENCE.
EXHIBIT P6	TRUE COPY OF THE REPRESENTATION DATED 12/10/2011.
EXHIBIT P7	TRUE COPY OF THE REPRESENTATION ON 01/12/2011.
EXHIBIT P8	TRUE COPY OF THE GAZETTE DT.13.8.91
EXHIBIT P9	TRUE COPY OF THE MSC CERTIFICATE OF THE PETITIONER
EXHIBIT P10	TRUE COPY OF THE QUERY MADE UNDER THE RIGHT TO INFORMATION ACT
EXHIBIT P11	TRUE COPY OF THE INFORMATION RECEIVED UNDER THE RIGHT TO INFORMATION ACT
EXHIBIT P12	TRUE COPY OF THE MINUTES OF THE SELECTION COMMITTEE OBTAINED UNDER THE RIGHT TO INFORMATION ACT.
EXHIBIT P13	TRUE COPY OF THE NORMS AND PROCEDURE.
EXHIBIT P14	TRUE COPY OF SCORE SHEET EVIDENCING THE MARKS AWARDED TO THE CANDIDATES.

EXHIBIT P15	TRUE COPY OF COMPLAINTS TO UNIVERSITY AUTHORITIES AND ONE RAISED BY DR. ASA RANI.
EXHIBIT P16	TRUE COPY OF THE LETTER ISSUED BY DR. V. SHOBHA DATED 23/11/2006.
EXHIBIT P17	TRUE COPY OF APPOINTMENT ORDER ISSUED IN FAVOUR OF THE 4TH RESPONDENT.
EXHIBIT P17 A	TRUE COPY OF APPOINTMENT ORDER ISSUED IN FAVOUR OF THE 5TH RESPONDENT.
EXHIBIT P17 B	TRUE COPY OF APPOINTMENT ORDER ISSUED IN FAVOUR OF THE 6TH RESPONDENT.
EXHIBIT P17 C	TRUE COPY OF APPOINTMENT ORDER ISSUED IN FAVOUR OF THE 7TH RESPONDENT.
EXHIBIT P18	TRUE COPY OF THE COMMUNICATION ISSUED BY THE UNIVERSITY OF KERALA DATED 02/03/2012.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R3 A	TRUE PHOTOSTAT COPY OF THE BOARD OF STUDIES MEETING HELD ON 13/01/2011.
EXHIBIT R3 B	TRUE PHOTOSTAT COPY OF THE B.SC DEGREE CERTIFICATE DATED 14/10/1993.
EXHIBIT R3 C	TRUE PHOTOSTAT COPY OF THE DEGREE CERTIFICATE DATED 02/08/1995.
EXHIBIT R3 D	TRUE PHOTOSTAT COPY OF THE ELIGIBILITY CERTIFICATE DATED 17/01/2000.
EXHIBIT R3 E	TRUE PHOTOSTAT COPY OF THE NATIONAL ELIGIBILITY TEST CERTIFICATE DATED 14/03/2000.
EXHIBIT R3 F	TRUE PHOTOSTAT COPY OF NOTIFICATION DATED 13/12/2011.
EXHIBIT R4 A	TRUE COPY OF THE ORDER NO.AC A1V/3/2011 DATED 13/12/2011 ISSUED BY THE

UNIVERSITY OF KERALA.

- EXHIBIT R4 B-1 TRUE COPY OF THE M.SC. CERTIFICATE
DATED 26/08/2002 OF THE 4TH RESPONDENT
ISSUED BY THE UNIVERSITY OF KERALA.
- EXHIBIT R4 B-2 TRUE COPY OF THE M.SC. CERTIFICATE
DATED 07/09/2001 OF THE 4TH RESPONDENT
ISSUED BY THE UNIVERSITY OF KERALA.
- EXHIBIT R4 B-3 TRUE COY OF THE NET CERTIFICATE DATED
01/07/2002 OF THE 4TH RESPONDENT ISSUED
BY THE UNIVERSITY GRANTS COMMISSION.
- EXHIBIT R4 B-4 TRUE COPY OF THE NET CERTIFICATE DATED
22/01/2003 OF THE 4TH RESPONDENT ISSUED
BY THE AGRICULTURAL SCIENTISTS
RECRUITMENT BOARD (ICAR) .
- EXHIBIT R4 B-5 TRUE COPY OF THE PH.D CERTIFICATE DATED
17/06/2009 OF THE 4TH RESPONDENT ISSUED
BY THE UNIVERSITY OF KERALA.
- EXHIBIT R4 B-6 TRUE COPY OF THE EXPERIENCE CERTIFICATE
DATED 05/07/2007 OF THE 4TH RESPONDENT
ISSUED BY ALL SAINTS' COLLEGE,
TRIVANDRUM.
- EXHIBIT R4 B-7 TRUE COPY OF THE EXPERIENCE CERTIFICATE
DATED 25/08/2011 OF THE 4TH RESPONDENT
ISSUED BY ALL SAINTS' COLLEGE,
TRIVANDRUM.
- EXHIBIT R4 C-1 TRUE COPY OF THE M.SC. CERTIFICATE
DATED 16/12/2003 OF THE 5TH RESPONDENT
ISSUED BY THE UNIVERSITY OF KERALA.
- EXHIBIT R4 C-2 TRUE COPY OF THE M.SC. RANK CERTIFICATE
DATED 28/11/2002 OF THE 5TH RESPONDENT
ISSUED BY THE UNIVERSITY OF KERALA.
- EXHIBIT R4 C-3 TRUE COPY OF THE NET CERTIFICATE DATED
02/09/2004 OF THE 5TH RESPONDENT ISSUED
BY THE UNIVERSITY GRANTS COMMISSION.

EXHIBIT R4 C-4	TRUE COPY OF THE PH.D. CERTIFICATE DATED 16/06/2009 OF THE 5TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R4 C-5	TRUE COPY OF THE MEMO PROVING TEACHING EXPERIENCE DATED 30/07/2008 OF THE 5TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R4 C-6	TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 19/08/2010 OF THE 5TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R4 D-1	TRUE COPY OF THE M.SC. CERTIFICATE DATED 12/07/2005 OF THE 7TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R4 D-2	TRUE COPY OF THE M.SC. RANK CERTIFICATE DATED 02/08/2005 OF THE 7TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R4 D-3	TRUE COPY OF THE NET CERTIFICATE DATED 05/07/2010 OF THE 7TH RESPONDENT ISSUED BY THE UNIVERSITY GRANTS COMMISSION.
EXHIBIT R4 D-4	TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED 25/08/2011 OF THE 7TH RESPONDENT ISSUED BY ALL SAINTS' COLLEGE, TRIVANDRUM.
EXHIBIT R4 E	TRUE COPY OF THE COURSE STRUCTURE OF M.SC. ENVIRONMENTAL SCIENCES IN UNIVERSITY OF KERALA DATED NIL
EXT.R4F	TRUE COPY OF THE APPOINTMENT ORDER DT.11.10.11 OF R4 ISSUED BY R3.
EXT.R4G	TRUE COPY OF THE APPOINTMENT ORDER DT.11.10.11 OF THE 5TH RESPONDENT ISSUED BY THE R3
EXT.R4H	TRUE COPY OF THE APPOINTMENT ORDER DT.11.10.11 OF THE 6TH RESPONDENT ISSUED BY THE R3

EXT.R4I	TRUE COPY OF THE APPOINTMENT ORDER DT.11.10.11 OF R7 ISSUED BY R3
EXT.R4J	TRUE COPY OF THE MINUTES OF THE SELECTION COMMITTEE MEETING DT,10.10.11
EXT.R4K	TRUE COPY OF THE SCORE SHEET PREPARED BY THE SELECTION COMMITTEE DT.10.10.11
EXHIBIT R6 A	TRUE COPY OF THE M.SC. CERTIFICATE DATED 30/05/2002 OF THE 6TH RESPONDENT ISSUED BY THE M.G. UNIVERSITY.
EXHIBIT R6 B	TRUE COPY OF THE ELIGIBILITY CERTIFICATE DATED 03/11/2011 OF THE 6TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R6 C	TRUE COPY OF THE JUNIOR RESEARCH FELLOWSHIPS (JRF) AWARD CERTIFICATE DATED 24/07/2002 OF THE 6TH RESPONDENT ISSUED BY THE UNIVERSITY GRANTS COMMISSION.
EXHIBIT R6 D	TRUE COPY OF THE SENIOR RESEARCH FELLOWSHIP (SRF) AWARD ORDER DATED 12/08/2004 OF THE 6TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R6 E	TRUE COPY OF THE M.PHIL CERTIFICATE DATED 24/05/2003 OF THE 6TH RESPONDENT ISSUED BY THE UNIVERSITY OF KERALA.
EXHIBIT R6 F	TRUE COPY OF THE NET CERTIFICATE DATED NIL OF THE 6TH RESPONDENT ISSUED BY THE UNIVERSITY GRANTS COMMISSION.

APPENDIX OF WP(C) 569/2013

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE ORDER ISSUED BY THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS DATED 11/8/2009
EXHIBIT P2	TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE NEWS PAPER DATED 24/8/2011
EXHIBIT P3	TRUE COPY OF THE SELECTION LIST DATED 11/10/2011
EXHIBIT P4	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 1ST RANK HOLDER DATED 11/10/2011
EXHIBIT P4 A	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 2ND RANK HOLDER DATED 11/10/2011
EXHIBIT P4 B	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANGER TO THE 3RD RANK HOLDER DATED 11/10/2011
EXHIBIT P4 C	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE MANAGER TO THE 4TH RANK HOLDER DATED 11/10/2011
EXHIBIT P5	TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT IN IA NO. 1937/12 IN WP NO.32980/11 DATED 15/3/2012
EXHIBIT P6	TRUE COPY OF THE LIST.
EXHIBIT P7	TRUE COPY OF THE COMMUNICATION DATED 12/12/2012.
EXHIBIT P8	TRUE COPY OF THE SCORE SHEET SHOWING THE MARK SECURED BY THE CANDIDATES.

APPENDIX OF WP(C) 783/2013

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE PHOTOCOPY OF THE POST GRADUATE DEGREE CERTIFICATE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
EXHIBIT P1 A	TRUE PHOTOCOPY OF THE RANK CERTIFICATE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
EXHIBIT P2	TRUE PHOTOCOPY OF THE NATIONAL ELIGIBILITY TEST (NET) CERTIFICATE ISSUED BY THE UNIVERSITY GRANTS COMMISSION DATED 5/7/2010, TO THE PETITIONER.
EXHIBIT P3	TRUE PHOTOCOPY OF THE EXPERIENCE CERTIFICATE DATED 25/8/2011 ISSUED BY THE PRINCIPAL OF THE 4TH RESPONDENT'S COLLEGE.
EXHIBIT P4	TRUE PHOTOCOPY OF THE NOTIFICATION PUBLISHED IN MALAYALA MANORAMA DAILY DATED 24/8/2011
EXHIBIT P5	TRUE PHOTOCOPY OF THE COMMUNICATION BEARING NO. B1-1/2011 DATED 11/10/2011, ISSUED BY THE 3RD RESPONDENT.
EXHIBIT P6	TRUE PHOTOCOPY OF THE INTERIM ORDER DATED 15/3/2012 IN IA NO. 1937 OF 2012 IN WP(C) NO. 32980 OF 2011 (V).
EXHIBIT P7	TRUE PHOTOCOPY OF THE PROCEEDINGS DATED 12/12/2012 ISSUED BY THE 3RD RESPONDENT.
EXHIBIT P8	TRUE PHOTOCOPY OF THE ORDER ISSUED BY

THE 1ST RESPONDENT BEARING NO.
AC.IV/3/2011 DATED 13/12/2011.

EXHIBIT P9 TRUE PHOTOCOPY OF THE ORDER DATED
18/2/2013 IN IA NO. 847/2013 IN WP(C)
NO.569/2013.

EXHIBIT P10 TRUE PHOTOCOPY OF THE EXTRACT OF THE
HOME PAGE OF KASE UPLOADED IN THEIR
WEBSITE.

RESPONDENT'S/S EXHIBITS:

EXHIBIT-R5 (a) TRUE COPY OF THE APPLICATION ALONG WITH
ANNEXURE.

EXHIBIT-R5 (b) TRUE COPY OF THE REGULATION

EXHIBIT-R5 (c) TRUE COPY OF THE SELECTION COMMITTEE
MINUTES.

EXHIBIT-R5 (d) TRUE COPY OF THE SCORE SHEETS.