

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 31823 of 2014 (C)

PETITIONER(S) :

**BINCY P.PAUL, AGED 29 YEARS,
W/O.SHIJU VARGHESE, PULICKAL HOUSE, MUDACKARAI,
KURUPPAMPADY P.O., ERNAKULAM - 683 545.**

**BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY FOR HIGHER SECONDARY
DEPARTMENT, 3RD FLOOR, SECRETARIAT ANNEXE, STATUE,
THIRUVANANTHAPURAM- 695 001.**
- 2. M.G.UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM- 686 560,
REPRESENTED BY ITS REGISTRAR.**
- 3. MAR THOMA WOMEN'S COLLEGE,
PERUMBAVOOR, ERNAKULAM - 683 542,
REPRESENTED BY ITS PRINCIPAL.**
- 4. THE MANAGER
MAR THOMA WOMEN'S COLLEGE,
MAR THOMA EVANGELISTIC ASSOCIATION SOCIETY,
MAR THOMA KENDRAM, MANNANTHALA P.O.,
TRIVANDRUM- 695 015.**

**R1 BY GOVERNMENT PLEADER SMT.LOWSY.A
R2 BY ADV. SRI.VARUGHESE M.EASO, S.C
R3 BY SRI.GEORGE CHERIAN (SENIOR ADVOCATE)
R3 BY ADVS. SMT.K.S.SANTHI
SMT.LATHA SUSAN CHERIAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE G.O(MS)NO.552/2014/H.EDN. DATED 19/07/2014.
- EXHIBIT-P2: TRUE COPY OF THE NEWSPAPER REPORT IN MATHRUBHOOMI DAILY DATED 17/11/2014 ENGLISH TRANSLATION.
- EXHIBIT-P3: TRUE COPY OF THE LEAVE REQUEST DATED 15/10/2014.
- EXHIBIT-P4: TRUE COPY OF THE LEAVE LETTER DATED 04/11/2014.
- EXHIBIT-P5: TRUE COPY OF THE NOTICE NO. P6/6144/EKM/2014 OF THE WOMEN'S COMMISSION DATED 20/11/2014 ENGLISH TRANSLATION.
- EXHIBIT-P6: TRUE COPY OF THE NOTICE RECEIVED FROM THE KERALA STATE HUMAN RIGHTS COMMISSION.
- EXHIBIT-P7: TRUE COPY OF THE REPRESENTATION MADE TO THE 1ST RESPONDENT DATED 04/11/2014.
- EXHIBIT-P8: TRUE COPY OF THE MEDICAL CERTIFICATE DATED 25/11/2014.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R3(A): TRUE COPY OF THE LETTER DATED 12.01.2015 ISSUED BY MAHATMA GANDHI UNIVERSITY.
- EXHIBIT R3(B): TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER TO KERALA WOMEN'S COMMISSION.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.31823 of 2014

Dated this the 5th day of March, 2015

JUDGMENT

This writ petition is filed seeking a direction to the first respondent to permit the petitioner to proceed on maternity leave with effect from 26.11.2014 and to rejoin the Institution after the period of leave.

2. The learned Senior Counsel appearing for the Institution disputed the maintainability of the writ petition itself and submits that the course conducted by the Institution in which the petitioner was engaged is unaided by the State. The learned Senior Counsel further submits that without prejudice to the above challenge, the petitioner can be permitted to rejoin the Institution on 9.3.2015.

Recording the above submission, the writ petition is closed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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