IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

WP(C).No.22943 OF 2020(P)

PETITIONER:

GANESH J.G., AGED 33 YEARS
S/O.GOPINATHAN PILLAI, NANDANAM, PADINJATTINKARA,
KOTTARAKARA - 690 506

SRI.R.RAJESH(PULLIKADA)

RESPONDENTS:

1 **THE STATE OF KERALA**
REP.BY ITS PRINCIPAL SECRETARY, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001

2 **THE DIRECTOR**
DIRECTORATE OF TECHNICAL EDUCATION, PADMAVILASOM
ROAD, FORT P.O., THIRUVANANTHAPURAM-695 023

3 **THE SENIOR JOINT DIRECTOR**
DIRECTORATE OF TECHNICAL EDUCATION, PADMAVILASOM
ROAD, FORT P.O., THIRUVANANTHAPURAM-695 023

4 **THE PRINCIPAL**
N.S.S.POLYTECHNIC COLLEGE, PANDALAM P.O.,
PATHANAMTHITTA-689 501

5 **N.S.S.POLYTECHNIC COLLEGE**
PANDALAM, PATHANAMTHITTA DISTRICT-689 653
REP. BY ITS CHAIRMAN.

SMT. NISHA BOSE - SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 9th day of December 2020

The petitioner says that he is working as a Lecturer in Mechanical Engineering in the NSS Polytechnic, Pandalam and that he has been constrained to approach this Court because the official respondents have refused to endorse his Post Graduate Degree in his service book, which alone can lead to the grant of consequential service benefits to him.

2. The petitioner says that, as is evident from Ext.P6, he has been allowed to pursue M.Tech course as a 'weekend one' and therefore, that there is no justification in the official respondents in refusing to make necessary endorsements in the service book. The petitioner, through his learned counsel, Sri.Rajesh R., prays that official respondents be directed to make necessary endorsements in his client's service book at the earliest.

3. In response, the learned Senior Government Pleader, Smt.Nisha Bose, submitted that the sole reason why the petitioner's service book has not been endorsed is because the fourth respondent - who is the Principal of the NSS Polytechnic College - has not yet informed the Authorities as to whether the

petitioner had obtained M.Tech course through regular study or 'weekend study'. The learned Senior Government Pleader submitted that if the said clarification is obtained from the fourth respondent – Principal, necessary action for endorsement of the service book of the petitioner can be made without any further delay.

4. Even though this Court had directed the petitioner to take out notice to respondents 4 and 5 by email, necessary memos have not been brought on record to indicate that this has been done. However, the learned counsel for the petitioner, Sri.R.Rajesh, affirms that his client has obtained M.Tech by pursuing of “weekend study” as was permitted through Ext.P6; and am, therefore, of the view that the service of notice on respondents 4 and 5 would be of no consequence in this case, since the directions proposed herein would not prejudice them in any manner.

5. Moreover, as is evident from Ext.P12 judgment of this Court, another learned Judge has granted reliefs to the petitioners therein who were placed in identical circumstances noticing that once the course was allowed to be completed based on valid sanction granted, the denial of endorsement on

the service book is unfair and illegal.

Resultantly and for the reasons above, I direct the second respondent - Director of Technical Education to dispose of the application of the petitioner for endorsement of his Post Graduate Degree in his service book, taking note of the directions in Ext.P12 judgment of this Court and to complete the same, as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment.

I make it clear that if for any reason, the Director requires any further clarification, he will be at liberty to seek it from the petitioner, who will thereupon be enjoined in law to offer it.

This writ petition is thus ordered.

Sd/- DEVAN RAMACHANDRAN

Stu

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**THE TRUE COPY OF ORDER NO.F/1618/2016 DATED 24/3/2016 OF THE CHAIRMAN, N.S.S. POLYTECHNIC, PANDALAM**
EXHIBIT P2	**THE TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT NO.DP6/15172/16/DTE DATED 4/8/2016**
EXHIBIT P3	**THE TRUE COPY OF THE M.TECH CERTIFICATE AWARDED TO THE PETITIONER BY THE JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY, HYDERABAD**
EXHIBIT P4	**THE TRUE COPY OF THE ELIGIBILITY CERTIFICATE ISSUED BY THE UNIVERSITY OF KERALA.**
EXHIBIT P5	**THE TRUE COPY OF THE B.TECH DEGREE AWARDED BY THE MAHATMA GANDHI UNIVERSITY**
EXHIBIT P6	**THE TRUE COPY OF G.O.(MS) NO.29/2019/H.EDN DATED 12/2/2019**
EXHIBIT P7	**THE TRUE COPY OF THE LETTER BEARING NO.F/6013/2017 DATED 30/10/2017 BY THE CHAIRMAN OF NSS POLYTECHNIC COLLEGE.**
EXHIBIT P8	**THE TRUE COPY OF LETTER NO.DP6/42106/17/D.T.E DATED 21.3.2019 SENT BY THE 2ND RESPONDENT TO THE PRINCIPAL OF NSS COLLEGE**
EXHIBIT P9	**THE TRUE COPY OF NO OBJECTION CERTIFICATE DATED 27/2/2019 ISSUED BY THE CHAIRMAN OF NSS POLYTECHNIC COLLEGE**
EXHIBIT P10	**THE TRUE COPY OF ORDER NO.AICTE-EC/10940/19/D.T.E. DATED 28.3.2019 ISSUED BY THE 2ND RESPONDENT**
EXHIBIT P11	**THE TRUE COPY OF THE ORDER NO.AICTE-EC/10940/19/DTE DATED 27.4.2019**
EXHIBIT P12	**THE TRUE COPY OF THE ORDER DATED 13.3.2020 IN W.P.(C) NO.17563/2019**

EXHIBIT P13	**THE TRUE COPY OF ORDER NO.DP6/14593/20/D.T.E. DATED 16.9.2020 ISSUED BY THE 3RD RESPONDENT**
EXHIBIT P14	**THE TRUE COPY OF ORDER NO.DP6/14693/20/D.T.E. DATED 8.10.2020 ISSUED BY THE 3RD RESPONDENT**