IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

OP(KAT).No.542 OF 2019

AGAINST THE ORDER IN OA 1417/2019 DATED 09-12-2019 OF KERALA ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/ADDITIONAL RESPONDENTS 8 AND 9:

1 **SUJITH KUMAR K.V.,**
AGED 36 YEARS
S/O.S.KESAVAN ASARI, RESIDING AT SAROVARAM, VENKAVILA, IRINCHAYAM P.O., NEDUMANGAD, THIRUVANANTHAPURAM - 695 561, PRESENTLY WORKING AS WORKSHOP INSTRUCTOR, GOVERNMENT TECHNICAL HIGH SCHOOL, PAMPADY, KOTTAYAM - 686 502.

2 **KIRAN K.S.,**
AGED 37 YEARS
S/O.KRISHNAN G., DWARAKA KUDUMBANOOR, PRAVACHAMBALAM, NEMOM P.O., THIRUVANANTHAPURAM - 695 020, PRESENTLY WORKING AS WORKSHOP INSTRUCTOR, GOVERNMENT POLY TECHNIC COLLEGE, NEDUMANGAD, THIRUVANANTHAPURAM - 695 541.

BY ADVS.
SRI.AYYAPPAN SANKAR
SMT.S.HRIDYA
SRI.K.G.PRAMOD KUMAR
SRI.AYYAPPAN SANKAR

RESPONDENTS/APPLICANTS (1 & 2) & RESPONDENTS 1 TO 7:

1 **VINOD M.S.,**
AGED 35 YEARS
S/O.SIVAKUMAR K.S., RESIDING AT KRISHNA KRIPA, SAARKARA, CHIRAYINKEEZHU, THIRUVANANTHAPURAM - 695 304.

2 **ABHIROOP V.M.,**
S/O.J.VIJAYAKUMAR, AGED 31 YEARS, RESIDING AT DELIGHT, MBS46, T.C.11/582-1, MUSEUM BAINS COMPOUND, KOWDIAR, THIRUVANANTHAPURAM - 695 003.

**3 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

**4 HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

**5 FINANCE DEPARTMENT,
GOVERNMENT OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO FINANCE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

**6 DIRECTORATE OF TECHNICAL EDUCATION,
REPRESENTED BY DIRECTOR OF TECHNICAL EDUCATION, PADMAVILASAM STREET, FORT P.O., THIRUVANANTHAPURAM - 695 023.**

**7 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
REPRESENTED BY ITS CHAIRMAN, NELSON MANDELA MARG, VASANT KUNJ, NEW DELHI - 110 070.**

**8 KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM - 695 004.**

**9 THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM - 695 004.**

**R1-2 BY ADV. SRI.RAGHUL SUDHEESH
R3-6 BY B. VINOD GOVERNMENT PLEADER
R7 BY ADV. SRI.JAYKAR.K.S.
R7 BY ADV. SRI.SAJITH KUMAR V.
R8-9 BY SRI.P.C.SASIDHARAN, SC, KPSC**

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 15-12-2020, ALONG WITH OP(KAT).543/2019, OP(KAT).544/2019, OP(KAT).38/2020, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

OP(KAT).No.543 OF 2019

AGAINST THE ORDER/JUDGMENT IN OA 1578/2019 DATED 09-12-2019 OF KERALA ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM

PETITIONER/S:

1 SUJITH KUMAR K.V.
AGED 36 YEARS
S/O.S. KESAVAN ASARI, RESIDING AT SAROVARAM, VENKAVILA, IRINCHAYAM P O, NEDUMANGAD, THIRUVANANTHAPURAM-695561, PRESENTLY WORKING AS WORKSHOP INSTRUCTOR, GOVERNMENT TECHNICAL HIGH SCHOOL, PAMPADY, KOTTAYAM-686502.

2 KIRAN K.S
AGED 37 YEARS
S/O. KRISHNAN G, DWARAKA, KUDUMBANOOR, PRAVACHAMBALAM, NEMOM P O, THIRUVANANTHAPURAM-695020, PRESENTLY WORKING AS WORKSHOP INSTRUCTOR, GOVERNMENT POLYTECHNIC COLLEGE, NEDUMANGAD. THIRUVANANTHAPURAM-695541.

BY ADVS.
SRI.AYYAPPAN SANKAR
SMT.S.HRIDYA
SRI.K.G.PRAMOD KUMAR
SRI.AYYAPPAN SANKAR

RESPONDENT/S:

1 ATHIRA I.C.
D/O. CHANDARSEKHARAN NAIR, AGED 31 YEARS, RESIDING AT INDEEVARAM, PADINJATTIL, KEEZHTHONNAKKAL, POTHENCODE, THIRUVANANTHAPURAM-695584.

2 JITHIN J.S,
S/O. JAYAN, AGED 26 YEARS, RESIDING AT 59/930, SREE BHAVAN, KUTHIRAVATTOM, VENGANNOOR P O,

THIRUVANANTHAPURAM-695523.

3 LIJU RAJ T
S/O.RAJU, AGED 33 YEARS, RESIDING AT THEKKE NAGANEZHATH, ERAMALLOR P O, EZHUPUNNA, ALAPPUZHA-688537

4 UNNIKUTTAN C
S/O.CHIDAMBARAN, AGED 28 YEARS,RESIDING AT LALITHALAYAM, VARANAD P O, CHERTHALA, ALAPPUZHA-688539.

5 VEENA MARY
D/O. YESUDAS, AGED 31 YEARS, RESIDING AT LOORDU VILASAM, MATHRA P O, KARAVALOOR, PUNALOOR-691333.

6 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

7 HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

8 FINANCE DEPARTMENT,
GOVERNMENT OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO FINANCE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

9 DIRECTORATE OF TECHNICIAL EDUCATION,
REPRESENTED BY DIRECTOR OF TECHNICAL EDUCATION, PADMAVILASAM STREET, FORT P O, THIRUVANANTHAPURAM-695023.

10 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
REPRESENTED BY ITS CHAIRMAN, NELSON MANDELA MARG, VASANT KUNJ, NEW DELHI-110070

11 KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM-695004.

R1-5 BY ADV. SRI.RAGHUL SUDHEESH
R6-9 BY B. VINOD SR.GOVERNMENT PLEADER
R10 BY SRI.JAYKAR K.S., SC, AICTE
R10 BY ADV. SRI.SAJITH KUMAR V.
R11 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 15-12-2020, ALONG WITH OP(KAT).542/2019, OP(KAT).544/2019, OP(KAT).38/2020, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

OP(KAT).No.544 OF 2019

AGAINST THE ORDER/JUDGMENT IN OA 1417/2019 DATED 09-12-2019 OF KERALA ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM

PETITIONER/S:

1 **HARIDAS P.S**
AGED 52 YEARS,S/O.V,SREEDHARAN PILLAI,
SUPERINTENDENT,GOVERNMENT TECHNICAL HIGH SCHOOL,
ELANJI P.O.,ERNAKULAM DISTRICT-686 665.
RESIDING AT PUNNAMATTATHIL HOUSE,VAIKOM P.O.,
KOTTAYAM DISTRICT-686 141.
PIN- 9496162343.

2 **SHIJATH T.A.,**
AGED 46 YEARS,S/O.T.B.ABDU,WORKSHOP
SUPERINTENDENT,PLOYTECHNICS,MTI ,
THRISSUR-680 009.RESIDING AT THEENATTU HOUSE,
H.M.T. COLONY P.O.,KALAMASSERY-683 503.
PH-9596826879.

3 **MURALI T.S.,**
AGED 50 YEARS,S/O.SADANANDAN,SUPERINTENDENT,
GOVERNMENT TECHNICAL HIGH SCHOOLMKUTTIPPURAM-679
571.RESIDING AT THUNDIPARAMBIL HOUSE,KRISHNA NAGAR
3RD,KOLAZHI,THRISSUR-680 010.
PH-9744215917.

BY ADVS.
SRI.ELVIN PETER P.J.
SRI.K.R.GANESH
SMT.N.R.REESHA
SMT.T.S.LIKHITHA

RESPONDENT/S:

1 **VINOD M.S**
AGED 35 YEARS,S/O.SIVAKUMAR K.S.,RANK HOLDER NO.73,IN

**RANK LIST NO.874/2016/SSVIT,DATED 30.12.2016,RESIDING AT 'KRISHNA KRIPA'
SARKARA,CHIRAYINKEEZHU,THIRUVANANTHAPURAM-695 304.
MOBILE NO.9946454242.**

2 **ABHIROOP V.M.,
AGED 31 YEARS,S/O.J.VIJAYAKUMAR,RANK HOLDER NO.3, IN SUPPLEMENTARY RANK LIST(LATIN CATHOLICS/ANGLO INDIAN),IN RANK LIST NO.874/2006/SSVII DATED 30.12.2016,RESIDING AT DELIGHT MBC-46,T.C.11/582-1, MUDEUM BAINS COMPOUND,KOWDIAR,THIRUVANANTHAPURAM-695 003.
MOB, NO-9446172983.**

3 **STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

4 **HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA,REPRESENTED BY PRINCIPAL SECRETARY TO HIGHER EDUCATION,GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM-695 001.**

5 **FINANCE DEPARTMENT,
GOVERNMENT OF KERALA,REPRESENTED BY PRINCIPAL SECRETARY TO FINANCE,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

6 **DIRECTORATE OF TECHNICAL EDUCATION,
REPRESENTED BY DIRECTOR OF TECHNICAL EDUCATION,
PADMAVILASOM STREET,FORT P.O.,
THIRUVANANTHAPURAM-695 023.**

7 **ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
REPRESENTED BY ITS CHAIRMAN,NELSON MANDELA MARG,VASANT KUNJ,NEW DELHI-110 070.**

8 **KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,PATTOM,
THIRUVANANTHAPURAM-695 004.**

9 **THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,PATTOM,
THIRUVANANTHAPURAM-695 004.**

10 **SUJITH KUMAR K.V.,
AGED 36 YEARS,S/O.S.KESAVAN ASARI,
RESIDING AT SAROVARAM,VENKAVILA,IRINCHAYAM P.O.,NEDUMANGAD,THIRUVANANTHAPURAM-695 561.
PRESENTLY WORKING AS WORKSHOP INSTRUCTOR,
GOVERNMENT TECHNICAL HIGH SCHOOL,PAMPADY,
KOTTAYAM-686 502, KERALA.**

11 KIRAN K.S.,
AGED 37 YEARS,S/O.KRISHNAN G.,DWARAKA,
KUDUMBANOOR,PRAVACHANBALAM,NEMOM P.O.,
THIRUVANANTHAPURAM-695 020.
PRESENTLY WORKING AS WORKSHOP INSTRUCTOR,
GOVERNMENT POLYTECHNIC COLLEGE,
NEDUMANGAD-695 541.

R1-2 BY ADV. SRI.RAGHUL SUDHEESH
R3-6 BY B. VINOD SR. GOVERNMENT PLEADER
R7 BY ADV. SRI.JAYKAR.K.S.
R7 BY ADV. SRI.SAJITH KUMAR V.
R8-9 BY SRI.P.C.SASIDHARAN, SC, KPSC
R10-11 BY ADV. SRI.AYYAPPAN SANKAR

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 15-12-2020, ALONG WITH OP(KAT).542/2019, OP(KAT).543/2019, OP(KAT).38/2020, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

OP(KAT).No.38 OF 2020

AGAINST THE ORDER IN OA 1578/2019 DATED 09-12-2019 OF KERALA ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS:

1 **HARIDAS P.S.,**
AGED 52 YEARS
S/O.V.SREEDHARAN PILLAI SUPERINTENDENT, GOVERNMENT TECHNICAL HIGH SCHOOL,ELANJI P.O., ERNAKULAM DISTRICT - 686 665, RESIDING AT PUNNAMATTATHIL HOUSE, VAIKOM P.O., KOTTAYAM DISTRICT - 686 141, PIN - 9496162343.

2 **SHIJATH T.A.,**
AGED 46 YEARS
S/O.T.B.ABDU, WORKSHIP SUPERINTENDENT, POLYTECHNICS, MTI, THRISSUR - 680 009, RESIDING AT THEENATTU HOUSE, H.M.T.COLONY P.O., KALAMASSERY - 683 503, PH 9596826879.

3 **MURALI T.S.,**
AGED 50 YEARS
S/O.SADANANDAN, SUPERINTENDENT, GOVERNMENT TECHNICAL HIGH SCHOOL, KUTTIPPURAM - 679 571, RESIDING AT THUNDIPARAMBIL HOUSE, KRISHNA NAGAR 3RD, KOLAZHI, THRISSUR - 680 010, PH 9744215917.

BY ADVS.
SRI.ELVIN PETER P.J.
SRI.K.R.GANESH
SMT.N.R.REESHA
SMT.T.S.LIKHITHA

RESPONDENTS:

1 **ATHIRA I.C.,**
AGED 31 YEARS
D/O.CHANDRASEKHARAN NAIR, RANK HOLDER NO.54 IN RANK

LIST NO.603/18/SSVII DATED 17/08/2018, RESIDING AT INDEEVARAM, PADINJATTIL, KEEZHTHONNAKKAL, PUTHENCODE, THIRUVANANTHAPURAM, KERALA - 695 584, MOBILE 9961059172.

2 JITHIN J.S.,
S/O.JAYAN, AGED 26 YEARS, RANK HOLDER NO.1 IN SUPPLEMENTARY RANK LIST (HINDU NADAR) IN RANK LIST NO.603/18/SSVII DATED 17/08/2019, RESIDING AT 59.930, SREE BHAVAN, KUTHIRAVATTOM, VENGANOOR P.O., THIRUVANANTHAPURAM - 695 523, KERALA.

3 LIJU RAJ T.,
S/O.RAJU J., AGED 33 YEARS, RANK HOLDER NO.1 IN SUPPLEMENTARY RANK LIST (LATIN CATHOLICS/ANGLO INDIAN) IN RANK LIST NO.104/19/SSVII DATED 08/02/2019, RESIDING AT THEKKE NAGANEZHATH, ERAMALLOOR P.O., EZHUPUNNA, ALAPPUZHA - 688 537, KERALA.

4 UNNIKUTTAN C.,
S/O.CHIDAMBARAN, AGED 28 YEARS, RANK HOLDER NO.77 IN RANK LIST NO.104/19/SSVII DATED 08/02/2019, RESIDING AT LALITHALAYAM, VARANAD P.O., CHERTHALA, ALAPPUZHA - 688 539, KERALA.

5 VEENA MARY,
D/O.YESUDAS, AGED 31 YEARS, RANK HOLDER NO.3 IN SUPPLEMENTARY RANK LIST (LATIN CATHOLICS/ANGLO INDIAN) IN RANK LIST NO.1154/17/SSIV DATED 13/12/2017, RESIDING AT LOORDU VILASAM, MATHRA P.O., KARAVALOOR, PUNALUR - 691 333, KERALA.

6 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001, KERALA.

7 HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

8 FINANCE DEPARTMENT,
GOVERNMENT OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO FINANCE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001, KERALA.

9 DIRECTORATE OF TECHNICAL EDUCATION,
REPRESENTED BY DIRECTOR OF TECHNICAL EDUCATION, PADMAVILASOM STREET, FORT P.O., THIRUVANANTHAPURAM - 695 023, KERALA.

10 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,

REPRESENTED BY ITS CHAIRMAN, NELSON MANDELA MARG, VASANT KUNJ, NEW DELHI - 110 070, KERALA.

11 KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM - 695 004, KERALA.

12 THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM - 695 004, KERALA.

13 SAJITH KUMAR K.V., AGED 36 YEARS, S/O.S.KESAVAN ASAN, RESIDING AT SAROVARAM, VENKAVILA, IRINCHAYAM P.O., NEDUMANGAD, TTHIRUVANANTHAPURAM - 695 561, PRESENTLY WORKING AS WORKSHOP INSTRUCTOR, GOVERNMENT TECHNICAL HIGH SCHOOL, PAMPADY, KOTTAYAM - 686 502, KERALA.

14 KIRAN K.S., AGED 37 YEARS, S/O.KRISHNAN G., DWARAKA, KUDUMBANOOR, PRAVACHAMBALAM, NEMOM P.O., THIRUVANANTHAPURAM - 695 020, PRESENTLY WORKING AS WOKSHOP INSTRUCTOR, GOVERNMENT POLYTECHNIC COLLEGE, NEDUMANGAD - 695 541.

R1-5 BY ADV. SRI.RAGHUL SUDHEESH
R1-5 BY ADV. SMT.J.LAKSHMI
R6-R9 – B. VINOD -SR. GOVERNMENT PLEADER
R10 BY ADV. SRI.SAJITH KUMAR V.

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 15-12-2020, ALONG WITH OP(KAT).542/2019, OP(KAT).543/2019, OP(KAT).544/2019, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

JUDGMENT

[OP(KAT).542/2019, OP(KAT).543/2019, OP(KAT).544/2019, OP(KAT).38/2020]

Dated this the 22nd day of December 2020

Gopinath, J.

These Original Petitions have been filed challenging the common order dated 9.12.2019 in Original Application Nos.1417 and 1578 of 2019 on the file of the Kerala Administrative Tribunal. The applicants before the Tribunal were persons included in a ranked list prepared by the Kerala Public Service Commission for selection to the post of Lecturers in Technical streams in Polytechnics under the Technical Education Department. They had approached the Tribunal contending that in terms of the *AICTE Regulations on Pay Scales, Service Conditions and Minimum Qualifications For Appointment of Teachers and Other Academic Staff such as Library and Physical Education Personnel in Technical Institutions and Measures for the Maintenance of Standards in Technical Education – (Diploma) Regulation, 2019,* (the 2019 Regulations) Lecturers in Polytechnic could be appointed only through direct recruitment in spite of the fact that the Special Rules namely, Kerala Technical Education Service Rules, 1967, after its amendment through the Kerala Technical Education Service (Amendment) Special Rules, 2010, provided that the post of Lecturer in Engineering/Technology could be filled up by direct recruitment and through appointment by transfer from the categories mentioned in those Rules in a

specified ratio. The Tribunal accepted the contentions of the applicants before it and held that the recruitment to the post of Lecturer could only be by direct recruitment. This finding of the Tribunal is under challenge before us.

2. We have heard Sri. Elvin Peter P.J and Sri.Ayyappan Sankar, learned counsel appearing for the petitioners, Sri. Raghul Sudheesh for the party respondents (applicants before the Tribunal), Sri. V. Sajith Kumar, learned Standing Counsel for All India Council for Technical Education, Sri. B. Vinod, learned Senior Government Pleader appearing for the Government of Kerala and Sri. P.C. Sasidharan, learned Standing Counsel appearing for the Kerala Public Service Commission.

3. The learned counsel appearing for the petitioners would submit i*nter alia* that the finding of the Tribunal is absolutely unsustainable in law. They would contend with reference to the provisions of the All India Council for Technical Education Act, 1987 (the AICTE Act) that the provisions of that enactment make it clear that while AICTE has the power to fix the qualifications required for appointment to the teaching posts in Technical Institutions, that power does not extend to specifying the source from which such recruitment is to be made. They contend that such stipulations in the AICTE Regulations must not be taken to be binding or mandatory and cannot, at any rate, operate in the face of the Special Rules which have been framed in terms of Article 309 of the Constitution of India r/w provisions of the Kerala Public Services Act, 1968. They contend further that the applicants before the Tribunal, relying on a Regulation issued on 1.3.2019, which admittedly has no retrospective operation, cannot contend for the position that all vacancies must be filled up from the Rank List

when the notifications inviting applications was issued much prior to that date. In other words, they contend that at the time when the notifications were issued by the Kerala Public Service Commission pursuant to which the applicants before the Tribunal were selected and included in the rank list, the Rules clearly provided that the appointment to the post of Lecturer would be by direct recruitment and also by transfer from categories mentioned in the Rule in the ratio of 13:7. According to then, at any rate, vacancies which arose prior to 1.3.2019 have to be filled up in accordance with the stipulations in the Special Rules. Sri. Elvin Peter P.J places a specific reliance on the judgment of the Supreme court in ***Jagadish Prasad Sharma and others*** v. ***State of Bihar and others;*** (2013) 8 SCC 633 and contends that the law laid down therein makes it clear that the terms and conditions in the Special Rules framed under Article 309 of the Constitution of India cannot be automatically overridden by a stipulation in the UGC Regulations. He would submit that the position in law insofar as the AICTE Regulations are concerned is no different.

4. Sri. Raghul Sudheesh, learned counsel appearing for the contesting respondents/applicants before the Tribunal would however vehemently contend with reference to the provisions of the AICTE Act and in particular to Section 10(i) of that Act that the AICTE was authorized to stipulate that the appointment to the post of Lecturer can only be by way of direct recruitment. He would also refer us to the Regulations to contend that even in respect of the Head of the Department, the Regulations prescribed direct recruitment and these stipulations have a clear bearing on the prescription of standards and the maintenance of standards of Technical Education. He would refer to the

judgments in ***State of Tamil Nadu*** v. ***Adhiyaman Educational and Research Institute***; (1995) 4 SCC 104, ***Ajith Kumar B.*** v. ***State of Kerala and others***; 2009(3) KLJ 563 and the judgment of the Madras High Court in ***P.Jothiswaran*** v. ***Chairman, Teachers Recruitment Board, Government of Tamil Nadu*** and the judgment of this Court in ***P.O. Boben*** v. ***Rajasekharan V.M*** in O.P.(KAT) No.40 of 2018 and connected cases and submit that notwithstanding any contrary stipulation in the Special Rules framed under Article 309 of the Constitution of India r/w provisions of the Public Services Act, Lecturers in Polytechnic can now be appointed only by direct recruitment and stipulation regarding appointment by transfer in the Special Rules is of no effect as the same is in violation of the AICTE Regulations of 2019.

5. The learned Standing Counsel for All India Council for Technical Education also supports the stand taken by the contesting respondents. The learned Senior Government Pleader, on the other hand, supports the stand taken by the petitioners in these cases and contends that the posts of Lecturers can be filled up only in accordance with the Special Rules and the stipulations in the AICTE Regulations of 2019 cannot have the effect of rendering those provisions null and void.

6. We have anxiously considered the submissions on either side. At the outset, it is to be noticed that the applicability of the AICTE Regulations *vis-a-vis* the stipulations in the Special rules came up for consideration before this Bench in O.P.(KAT) Nos.133/2019 and connected cases, in which we have held as follows:-

> *"14. The AICTE Act is a piece of legislation which can be traced to Entry 66 of List-I of the 7th Schedule to the Constitution of India. Regulation of education including Technical and Medical Education and Universities also finds place in Entry 25 of List-III (the Concurrent List) and this entry is expressly made subject to Entry 66 of List-I. It is settled law that the All India Council for Technical Education can in exercise of the power under the provisions of the AICTE Act, regulate the qualifications, method of appointment etc. of teaching staff in Engineering Colleges. Section 10 under Chapter III of the Act deals with the powers and functions of the AICTE. Under Section10(1) of the AICTE Act "It shall be the duty of the Council to take all such steps as it may think fit for ensuring coordinated and integrated development of technical and management education and maintenance of stands and for the purposes of performing its functions under this Act; ..... (i) lay down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examinations." .....*
>
> *In this regard reference may also be made to the decision of a Constitution Bench of the Supreme Court in* ***Preeti Srivastava (Dr.) v. State of M.P.; (1999) 7 SCC 120; State of T.N. and another v. Adhiyaman Educational and Research Institute and others; (1995) 4 SCC 104; Prof. Yashpal and another v. State of Chhatisgarh and others, (2005) 5 SCC 420*** *and to the Full Bench Judgment of this Court in* ***Radhakrishna Pillai v. Travancore Devaswom Board and others; 2016 (2) KHC 119 (F.B)****.*
>
> *15. In the light of the above, there cannot be even an iota of doubt that the Rules framed by the State under Article 309 of the Constitution read with the provisions of the Kerala Public Services Act, 1968 will be subject to Regulations framed by the AICTE regarding the qualifications, method of appointment etc. and the Rules framed by the State would, to the extent it is repugnant to the Central Act/Regulations, be void and inoperative."*

We see no reason to take a different view in this case.

7. Then the question to be considered is whether the method of appointment or the source from which the appointment can be made is a part of the mandatory stipulation in the AICTE Regulations. In ***Jagadish Prasad Sharma and others*** (supra) on which considerable reliance was placed by Sri. Elvin Peter. P.J., the Supreme Court had considered the effect of a Regulation made under the University Grants Commission Act, 1956 which is also a piece of

legislation relatable to Entry 66 of List I of the Seventh Schedule of Constitution of India (as in the case of the AICTE Act). Noticing the terms of Entry 25 of List III of the Seventh Schedule, Articles 309, 246 and 254 of the Constitution of India and has, in paragraphs 69 and 70 of the judgment, held as follows:-

> ***"69.*** *To some extent there is an air of redundancy in the prayers made on behalf of the respondents in the submissions made regarding the applicability of the Scheme to the State and its universities, colleges and other educational institutions. The elaborate arguments advanced in regard to the powers of UGC to frame such regulations and/or to direct the increase in the age of teachers from 62 to 65 years as a condition precedent for receiving aid from UGC, appears to have little relevance to the actual issue involved in these cases. That the Commission is empowered to frame regulations under Section 26 of the UGC Act, 1956, for the promotion and coordination of university education and for the determination and maintenance of standards of teaching, examination and research, cannot be denied. The question that assumes importance is whether in the process of framing such regulations, the Commission could alter the service conditions of the employees which were entirely under the control of the States in regard to State institutions?*
>
> ***70.*** *The authority of the Commission to frame regulations with regard to the service conditions of teachers in the Centrally-funded educational institutions is equally well-established. As has been very rightly done in the instant case, the acceptance of the Scheme in its composite form has been left to the discretion of the State Governments. The concern of the State Governments and their authorities that UGC has no authority to impose any conditions with regard to its educational institutions is clearly unfounded. There is no doubt that the Regulations framed by UGC relate to Schedule VII List I Entry 66 to the Constitution, but it does not empower the Commission to alter any of the terms and conditions of the enactments by the States under Article 309 of the Constitution. Under List III Entry 25, the State is entitled to enact its own laws with regard to the service conditions of the teachers and other staff of the universities and colleges within the State and the same will have effect unless they are repugnant to any Central legislation."*

It is no doubt true that the judgement states that legislation relatable to Entry 66 of List I of the VIIth schedule to the Constitution cannot tinker with the terms and conditions of enactments by the state under article 309 of the Constitution of India. We must however distinguish between cases where questions such as the

age of retirement etc. are in question and cases where the stipulation relates to the maintenance of standards. As we've already noticed and held, any stipulation in the Rules framed by the State under Article 309 read with the provisions of the Public Services Act cannot operate against the stipulations of the AICTE if such stipulation relates to the maintenance of standards of education. In ***Jagadish Prasad Sharma and others*** (supra), the question was whether the retirement age prescribed by the UGC should operate notwithstanding a contrary stipulation in the State Rules. Here we are concerned with the stipulation that selection to the post of lecturer in polytechnics should only be by way of direct recruitment. As pointed out by the learned counsel appearing for the contesting respondents, the stipulation regarding direct recruitment can be construed as a requirement relating to maintenance of standards for through the prescription of direct recruitment, the AICTE would have intended that fresh graduates and others qualified for the post would be better suited and equipped to impart technical education than others who would come to occupy that post through promotion. We, therefore, have no hesitation to reject the contention of the learned counsel appearing for the petitioners that the stipulation in the 2019 Regulations of the AICTE is beyond the scope of the power conferred on the AICTE in terms of the AICTE Act. We find that such stipulation is within the powers of the AICTE under the AICTE Act.

8. The next question is whether the stipulation in the 2019 Regulations which were brought into force only on 1.3.2019 can have any retrospective operation. In other words, the question is whether the stipulations in those Regulations can apply to vacancies of lecturers which arose prior to 1.3.2019. It is

settled law that subordinate legislation cannot have any retrospective operation unless two conditions are satisfied. The 1st condition is that the parent statute must authorise the delegate to frame subordinate legislation with retrospective effect. The 2nd condition is that the subordinate legislation must itself declare that the same will have retrospective effect. In ***Mahabir Vegetable Oils (P) Ltd. v. State of Haryana, (2006) 3 SCC 620*** it was held: -

> *"**41.** We may at this stage consider the effect of omission of the said note. It is beyond any cavil that a subordinate legislation can be given a retrospective effect and retroactive operation, if any power in this behalf is contained in the main Act. The rule-making power is a species of delegated legislation. A delegatee therefore can make rules only within the four corners thereof.*
>
> ***42.** It is a fundamental rule of law that no statute shall be construed to have a retrospective operation unless such a construction appears very clearly in the terms of the Act, or arises by necessary and distinct implication. (See West v. Gwynne [(1911) 2 Ch 1 : 104 LT 759 (CA)] .)"*

The conditions noticed above are to be cumulatively satisfied if we are to hold that the 2019 regulations have retrospective operation. No provision has been pointed out from the AICTE Act to suggest that the AICTE could frame regulations with retrospective effect. The regulations themselves do not declare that they are retrospective in operation. We, therefore, have no hesitation to hold that all vacancies of lecturers in polytechnics which arose prior to 1.3.2019 can be filled up without reference to the 2019 regulations. However, all vacancies which arose after the date on which the 2019 regulations came into force shall be filled up only by direct recruitment in accordance with the stipulations contained in those regulations.

9. Therefore, in modification of the orders issued by the Tribunal, we dispose of these Original Petitions directing the competent authority to ensure that the vacancies in the post of Lecturers in Technical streams in Polytechnics under the Technical Education Department are filled up in accordance with the stipulations in the Kerala Technical Education Service Rules, 1967, after its amendment through the Kerala Technical Education Service (Amendment) Special Rules, 2010 and any other regulation of the AICTE which was applicable at the relevant time in respect of all vacancies which arose prior to 1.3.2019 and further to ensure that all vacancies which arose in that post (Lecturers in Technical streams in Polytechnics) after 1.3.2019 be filled up strictly in accordance with the stipulations in the *AICTE Regulations on Pay Scales, Service Conditions and Minimum Qualifications For Appointment of Teachers el in Technical Institutions and Measures for the Maintenance of Standards in Technical Education – (Diploma) Regulation, 2019.*

Sd/-

A.M.SHAFFIQUE

JUDGE

Sd/-

GOPINATH P.

acd **JUDGE**

APPENDIX OF OP(KAT) 542/2019

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE PHOTOCOPY OF THE ORIGINAL APPLICATION WITH ANNEXURES IN O.A.1417/2019 ON THE FILE OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.**
EXHIBIT P1(A1)	**TRUE COPY OF THE RANK LIST NO.874/2016/SSVII DATED 30/12/2016 TO THE POST OF LECTURER IN MECHANICAL ENGINEERING (POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT, CAT NO.295/2012.**
EHIBIT P1(A2)	**TRUE COPY OF G.O.(MS) NO.210/2013/H.EDN. DATED 30/05/2013.**
EXHIBIT P1(A3)	**TRUE COPY OF RELEVANT PAGES OF G.O.(MS) NO.75/2014/FIN. DATED 20/02/2014.**
EXHIBIT P1(A4)	**TRUE COPY OF RELEVANT PAGES OF ALL INDIA COUNCIL FOR TECHNICAL EDUCATION PAY SCALES, SERVICE CONDITIONS AND MINIMUM QUALIFICATIONS FOR THE APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFFSUCH AS LIBRARY AND PHYSICAL EDUCATION PERSONNEL IN TECHNICAL INSTITUTIONS AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN TECHNICAL EDUCATION (DIPLOMA) REGULATION, 2019 DATED 01/03/2019.**
EXHIBIT P1(A5)	**TRUE COPY OF RTI APPLICATION DATED 13/03/2019 FILED BEFORE THE 4TH RESPONDENT.**
EXHIBIT P1(A6)	**TRUE COPY OF RTI REPLY DATED 09/05/2019 RECEIVED FROM 4TH RESPONDENT.**
EXHIBIT P1(A7)	**TRUE COPY OF THE RTI APPLICATION DATED 09/05/2019 FILED BEFORE THE 4TH RESPONDENT.**
EXHIBIT P1(A8)	**TRUE COPY OF THE RTI REPLY DATED 06/06/2019 RECEIVED FROM 4TH RESPONDENT.**
EXHIBIT P1(A9)	**TRUE COPY OF THE PROCEEDINGS NO.EG1/15599/18/DTE OF THE DIRECTORATE OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM DATED 07/07/2019.**
EXHIBIT P2	**TRUE PHOTOCOPY OF REPLY STATEMENT FILED BY THE PETITIONERS IN O.A.1578/2019 DATED 25/11/2019.**
EXHIBIT P3	**TRUE PHOTOCOPY OF REPLY STATEMENT FILED BY THE DIRECTOR OF TECHNICAL EDUCATION IN O.A.1417/2019.**
EXHIBIT P3(R4(A))	**TRUE COPY OF THE ORDER NO.EG1-24322/2000/DTE DATED 28/01/2011.**
EXHIBIT P4	**TRUE PHOTOCOPY OF REPLY STATEMENT FILED BY THE JOINT SECRETARY, FINANCE (PAY REVISION CELL-C) DEPARTMENT IN O.A.1417/2019.**

EXHIBIT P5	**CERTIFIED TRUE COPY OF COMMON ORDER DATED 9/12/2019 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM IN O.A.1417/2019 AND O.A.1578/2019.**
EXHIBIT P6	**TRUE PHOTOCOPY OF CIRCULAR DATED 21/1/2019 ISSUED BY THE DIRECTOR OF TECHNICAL EDUCATION.**
EXHIBIT P7	**TRUE PHOTOCOPY OF G.O.NO.15/2019/HED DATED 22/1/2019 ISSUED BY THE HIGHER EDUCATION (L) DEPARTMENT.**
EXHIBIT P8	**TRUE PHOTOCOPY OF REPLY DATED 27/9/2019 ISSUED UNDER RIGHT TO INFORMATION ACT FROM THE DEPARTMENT OF HIGHER EDUCATION, TECHNICAL SECTION II, GOVERNMENT OF INDIA.**

RESPONDENT'S/S EXHIBITS:

EXHIBIT R1(A)	**TRUE COPY OF THE JUDGMENT OF THE HONOURABLE HIGH COURT OF MADRAS IN P.JOTHISWARANV.S THE CHAIRMAN,TEACHERS RECRUITMENT BOARD, GOVERNMENT OF TAMIL NADU(WPC NO.17201-17203 OF 2017, DECIDED ON 06.07.2017**
EXHIBIT R1(B)	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN P.O.BOBEN VS.RAJASEKHARAN V.M., COMMON ORDER IN O.P(KAT) 40/2018, O.P.(KAT) 70/2018 AND O.P.(KAT) 216/2018. DECISION DATED 05.02.2020.**
EXHIBIT R1(C)	**TRUE COPY OF THE RTI REQUEST REGISTRATION NO.AICTE/R/2019/53329 SEEKING INFORMATION ABOUT THE ANNEXURE A-4 REGULATIONS BEING HELD ON THE FLOOR OF THE PARLIAMENT.**
EXHIBIT R1(D)	**TRUE COPY OF RTI REPLY DATED 15.01.2020 ABOUT THE ANNEXURE A4 REGULATIONS BERING LAID ON THE FLOOR OF THE PARLIAMENT.**
EXHIBIT R1(E)	**TRUE COPY OF THE LETTER DATED 07.03.2019 FROM THE AICTE SEEKING TO PLACE THE REGULATION BEFORE BOTH THE HOUSES OF PARLIAMENT AS PER SECTION 24 OF THE AICTE ACT.**
EXHIBIT R1(F)	**TRUE COPY OF THE CIRCULAR NO.AICTE-EC/13368/19/DTE DATED 21.11.2019.**

APPENDIX OF OP(KAT) 543/2019

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE PHOTOCOPY OF THE ORIGINAL APPLICATION WITH ANNEXURES IN OA 1578/2019 ON THE FILE OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.**
EXHIBIT P1(A1)	**TRUE COPY OF THE RANK LIST NO.603/18/SSVII DATED 17.08.2018 TO THE POST OF LECTURER IN CIVIL ENGINEERING (GOVT.POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT.**
EXHIBIT P1(A2)	**TRUE COPY OF RELEVANT PAGES OF RANK LIST NO.104/19/SSVII DATED 08.02.2019 TO THE POST OF LECTURER IN ELECTRICAL AND ELECTRONICS ENGINEERING (GOVT.POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT.**
EXHIBIT P1(A3)	**TRUE COPY OF RELEVANT PAGES OF RANK LIST NO.1154/17/SSIV DATED 13.12.2017 TO THE POST OF LECTURER IN BIOMEDICAL ENGINEERING (GOVT.POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT.**
EXHIBIT P1(A4)	**TRUE COPY OF GO(MS) NO.210/2013/H.EDN. DATED 30.05.2013.**
EXHIBIT P1(A5)	**TRUE COPY OF RELEVANT PAGES OF G.O(MS) NO.75/2014/FIN DATED 20.02.2014.**
EXHIBIT P1(A6)	**TRUE COPY OF RELEVANT PAGES OF ALL INDIA COUNCIL FOR TECHNICAL EDUCATION PAY SCALES, SERVICES CONDITIONS AND MINIMUM QUALIFICATIONS FOR THE APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF SUCH AS LIBRARY AND PHYSICAL EDUCATION PERSONNEL IN TECHNICAL EDUCATION PERSONNEL IN TECHNICAL INSTITUTIONS AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN TECHNICAL EDUCATION - (DIPLOMA) REGULATION, 2019 DATED 01.03.2019.**
EXHIBIT P1(A7)	**TRUE COPY OF THE RTI APPLICATION SUBMITTED BY ANEESH KUMAR C.C. TO SPI OF 4TH RESPONDENT DATED 13.03.2019.**
EXHIBIT P1(A8)	**TRUE COPY OF THE RTI REPLY NO.RTI/10895/2019/DTE ISSUED BY THE RESPONDENT TO ANEESH KUMAR C.C. DATED 09.05.2019.**
EXHIBIT P1(A9)	**TRUE COPY OF THE RTI APPLICATION SUBMITTED BY N.JAYAKUMAR, THE DIRECTOR, D.T.E. TO THE 4TH RESPONDENT DATED 09.05.2019.**
EXHIBIT P1(A10)	**TRUE COPY OF THE RTI REPLY NO.RTI/17555/2019/DTE ISSUED BY THE 4TH RESPONDENT BY N.JAYAKUMAR DATED 06.06.2019.**
EXHIBIT P1(A11)	**TRUE COPY OF THE PROCEEDINGS NO.EG1/15599/18/DTE**

	OF THE DIRECTORATE OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM DATED 07.07.2019.
EXHIBIT P1(A12)	**TRUE COPY OF THE CIRCULAR NO.EG1/15599/18/DTE OF THE DIRECTORATE OF TECHNICAL EDUCATION DATED 23.07.2019.**
EXHIBIT P1(A13)	**TRUE COPY OF THE KPSC NOTIFICATION CALLING APPLICANTS FOR THE POST OF LECTURER IN CIVIL ENGINEERING AND PUBLISHED IN GAZETTE DATED 10.08.2015.**
EXHIBIT P1(A14)	**TRUE COPY OF THE KPSC NOTIFICATION CALLING APPLICANTS FOR THE POST OF LECTURER IN ELECTRICAL AND ELECTRONICS ENGINEERING AND PUBLISHED IN GAZETTE DATED 26.07.2016.**
EXHIBIT P1(A15)	**TRUE COPY OF THE KPSC NOTIFICATION CALLING APPLICANTS FOR THE POST OF LECTURER IN BIOMEDICAL ENGINEERING AND PUBLISHED IN GAZETTE DATED 13.05.2014.**
EXHIBIT P2	**TRUE PHOTOCOPY OF THE REPLY STATEMENT FILED BY THE PETITIONERS IN OA 1578/2019 DATED 25.11.2019.**
EXHIBIT P3	**TRUE PHOTOCOPY OF REPLY STATEMENT FILED BY THE DIRECTOR OF TECHNICAL EDUCATION IN OA 1417/2019.**
EXHIBIT P4	**TRUE PHOTOCOPY OF ADDITIONAL REPLY STATEMENT FILED BY THE DIRECTOR OF TECHNICAL EDUCATION IN OA 1578/2019 DATED 16.11.2019.**
EXHIBIT P5	**TRUE PHOTOCOPY OF STATEMENT FILED ON BEHALF OF ALL INDIA COUNCIL FOR TECHNICAL EDUCATION IN OA 1578/2019 DATED 20.11.2019.**
EXHIBIT P6	**CERTIFIED COPY OF CERTIFIED TRUE COPY OF COMMON ORDER DATED 9.12.2019 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM IN OA 1578/2019 AND OA 1417/2019.**
EXHIBIT P7	**TRUE PHOTOCOPY OF CIRCULAR DATED 21.1.2019 ISSUED BY THE DIRECTOR OF TECHNICAL EDUCATION.**
EXHIBIT P8	**TRUE PHOTOCOPY OF G.O.NO.15/2019/HED DATED 22.1.2019 ISSUED BY THE HIGHER EDUCATION (L) DEPARTMENT.**
EXHIBIT P9	**TRUE PHOTOCOPY OF REPLY DATED 27.09.2019 ISSUED UNDER RIGHT TO INFORMATION ACT FROM THE DEPARTMENT OF HIGHER EDUCATION, TECHNICAL SECTION II, GOVERNMENT OF INDIA.**
EXHIBIT P10	**TRUE PHOTOCOPY OF GO(MS) NO.75/2014 FIN DATED 20.02.2014 ISSUED BY DEPARTMENT OF FINANCE (PAY REVISION CELL-C) GOVERNMENT OF KERALA.**
EXHIBIT P11	**TRUE PHOTOCOPY OF NOTIFICATION DATED 1.3.2019 ISSUED BY ALL INDIA COUNCIL FOR TECHNICAL**

EDUCATION.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R2(A)	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF MADRAS IN P.JOTHISWARAN VS.THE CHAIRMAN, TEACHERS RECRUITMENT BOARD, GOVERNMENT OF TAMIL NADU (W.P.NOS.17201-17203 OF 2017 DECIDED ON 06.07.2017).**
EXHIBIT R2(B)	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN P.O.BOBEN VS.RAJASEKHARAN V.M., COMMON ORDER IN O.P(KAT) 40/2018, O.P.(KAT) 70/2018 AND O.P.(KAT)416/2018, DECISION DATED 05.02.2020.**
EXHIBIT R2(C)	**TRUE COPY OF THE RTI REQUEST REGISTRATION NO.AICTE/R/2019/53329 SEEKING INFORMATION ABOUT THE ANNEXURE A-6 REGULATIONS BEING LAID ON THE FLOOR OF THE PARLIAMENT.**
EXHIBIT R2(D)	**TRUE COPY OF RTI REPLY DATED 15.01.2020 ABOUT THE ANNEXURE A-6 REGULATIONS BEING LAID ON THE FLOOR OF THE PARLIAMENT.**
EXHIBIT R2(E)	**TRUE COPY OF THE LETTER DATED 07.03.2019 FROM THE AICTE SEEKING TO PLACE THE REGULATION BEFORE BOTH THE HOUSES OF PARLIAMENT AS PER SECTION 24 OF THE AICTE ACT.**
EXHIBIT R2(F)	**TRUE COPY OF THE CIRCULAR NO.AICTE-EC/13368/19/DTE DATED 21.11.2019.**

APPENDIX OF OP(KAT) 544/2019

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE O.A.NO.1417/2019 BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.**
EXHIBIT P1(A1)	**TRUE COPY OF THE RANKED LIST NO.874/2016/SSVII DATED 30.12.2016 TO THE POST OF LECTURER IN MECHANICAL ENGINEERING (POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT. (CATEGORY NO.295/2012).**
EXHIBIT P1(A2)	**TRUE COPY OF G.O.(MS)NO.210/2013/H.EDN. DATED 30.05.2013.**
EXHIBIT P1(A3)	**TRUE COPY OF RELEVANT PAGES OF G.O. (MS)NO.75/2014/FIN. DATED 20.02.2014.**
EXHIBIT P1(A4)	**TRUE COPY OF RELEVANT PAGES OF ALL INDIA COUNCIL FOR TECHNICAL EDUCATION PAY SCALES, SERVICE CONDITIONS AND MINIMUM QUALIFICATIONS FOR THE APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF SUCH AS LIBRARY AND PHYSICAL EDUCATION PERSONNEL IN TECHNICAL INSTITUTIONS AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN TECHNICAL EDUCATION-(DIPLOMA REGULATION, 2019 DATED 01.03.2019).**
EXHIBIT P1(A5)	**TRUE COPY OF THE R.T.I. APPLICATION SUBMITTED BY ANEESH KUMAR.L.C DATED 13.03.2019 BEFORE THE 4TH RESPONDENT.**
EXHIBIT P1(A6)	**TRUE COPY OF THE R.T.I. REPLY DATED 09.05.2019 ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P1(A7)	**TRUE COPY OF THE R.T.I APPLICATION SUBMITTED BY N.JAYAKUMAR DATED 09.05.2019 BEFORE THE 4TH RESPONDENT.**
EXHIBIT P1(A8)	**TRUE COPY OF THE R.T.I REPLY DATED 06.06.2019 ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P1(A9)	**TRUE COPY OF THE PROCEEDINGS NO.EG1/15599/18/DTE OF THE DIRECTORATE OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM DATED 07.07.2019.**
EXHIBIT P2	**TRUE COPY OF THE ORDER NO.EC2/39013/12/DTE DATED 01.12.2013 OF THE 6TH RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE B.TECH. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA TO THE 1ST PETITIONER DATED 16.02.2009.**
EXHIBIT P4	**TRUE COPY OF THE ORDER NO.EC2/10996/2010/DTE(II) DATED 04.05.2011 OF THE 6TH RESPONDENT.**
EXHIBIT P5	**TRUE COPY OF THE ORDER NO.EC2/15020/15/DTE DATED 24.08.2015.**

EXHIBIT P6	**TRUE COPY OF THE ORDER NO.EC2/51451/14/DTE DATED 01.07.2015 OF THE 6TH RESPONDENT.**
EXHIBIT P7	**TRUE COPY OF THE B.TECH. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF CALICUT TO THE 2ND PETITIONER DATED 06.10.2019.**
EXHIBIT P8	**TRUE COPY OF THE ORDER NO.EC2/28201/14/DTE DATED 05.12.2014 OF THE 6TH RESPONDENT.**
EXHIBIT P9	**TRUE COPY OF THE B.TECH.ENGINEERING DEGREE CERTIFICATE OF THE 3RD PETITIONER AWARDED BY THE UNIVERSITY OF CALICUT DATED 03.10.2011.**
EXHIBIT P10	**TRUE COPY OF THE MISCELLANEOUS APPLICATION NO.2516/2015 IN O.A.NO.1417/2019 DATED 20.11.2019.**
EXHIBIT P11	**TRUE COPY OF THE REPLY STATEMENT FILED BY THE 5TH RESPONDENT (3RD RESPONDENT IN THE O.A) DATED 30.10.2019.**
EXHIBIT P12	**TRUE COPY OF THE REJOINDER FILED BY RESPONDENTS 1 AND 2 DATED 20.11.2019.**
EXHIBIT P13	**TRUE COPY OF THE REPLY STATEMENT FILED BY THE 4TH RESPONDENT IN O.A.NO.1417/2019 DATED 20.09.2019.**
EXHIBIT P14	**TRUE COPY OF THE REJOINDER FILED BY THE RESPONDENTS 1 AND 2 DATED 21.10.2019.**
EXHIBIT P15	**TRUE COPY OF THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION REGULATIONS F.NO.37-3/LEGAL/2010 DATED JANUARY 22ND, 2010.**
EXHIBIT P16	**TRUE COPY OF THE CIRCULAR NO.47/2017 DATED 04.06.2019 ISSUED BY THE 5TH RESPONDENT.**
EXHIBIT P17	**TRUE COPY OF THE CIRCULAR NO.EG1/15599/18/DTE DATED 12.07.2019 ISSUED BY THE 5TH RESPONDENT AND THE PROVISIONAL SENIORITY LIST ATTACHED TO THE SAME.**
EXHIBIT P18	**TRUE COPY OF THE ORDER DATED 09.12.2019 IN O.A.NO.1417/2019 AND CONNECTED CASES.**

APPENDIX OF OP(KAT) 38/2020

EXHIBIT P1	**TRUE COPY OF THE O.A.NO.1578/2019 BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.**
EXHIBIT P1(A1)	**TRUE COPY OF RELEVANT PAGES OF RANK LIST NO.603/18/SSVII DATED 17/08/2018 TO THE POST OF LECTURER IN CIVIL ENGINEERING (GOVT. POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT.**
EXHIBIT P1(A2)	**TRUE COPY OF RELEVANT PAGES OF RANK LIST NO.104/19/SSVII DATED 08/02/2019 TO THE POST OF LECTURER IN ELECTRICAL & ELECTRONICS ENGINEERING (GOVT. POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT.**
EXHIBIT P1(A3)	**TRUE COPY OF RELEVANT PAGES OF RANK LIST NO.1154/17/SSIV DATED 13/12/2017 TO THE POST OF LECTURER IN BIOMEDICAL ENGINEERING (GOVT.POLYTECHNICS) IN TECHNICAL EDUCATION DEPARTMENT.**
EXHIBIT P1(A4)	**TRUE COPY OF G.O.(MS) NO.210/2013/H.EDN. DATED 30/05/2013.**
EXHIBIT P1(A5)	**TRUE COPY OF RELEVANT PAGES OF G.O.(MS) NO.75/2014/FIN. DATED 20/02/2014.**
EXHBIT P1(A6)	**TRUE COPY OF RELEVANT PAGES OF ALL INDIA COUNCIL FOR TECHNICAL EDUCATION PAY SCALES, SERVICE CONDITIONS AND MINIMUM QUALIFICATIONS FOR THE APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF SUCH AS LIBRARY AND PHYSICAL EDUCATION PERSONNEL IN TECHNICAL INSTITUTIONS AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN TECHNICAL EDUCATION (DIPLOMA) REGULATION, 2019 DATED 01/03/2019.**
EXHIBIT P1(A7)	**TRUE COPY OF THE R.T.I. APPLICATION SUBMITTED BY ANEESH KUMAR. L.C. DATED 13/03/2019 BEFORE THE 4TH RESPONDENT.**
EXHIBIT P1(A8)	**TRUE COPY OF THE R.T.I. REPLY NO.RTI/10895/2019/DTE ISSUED BY THE 4TH RESPONDENT TO ANEESH KUMAR DATED 09/05/2019.**
EXHIBIT P1(A9)	**TRUE COPY OF THE R.T.I. APPLICATION SUBMITTED BY N.JAYAKUMAR TO THE DIRECTOR, DTE DATED 09/05/2019.**
EXHIBIT P1(A10)	**TRUE COPY OF THE R.T.I. REPLY NO.RTI/17555/2019/DTE ISSUED BY THE 4TH RESPONDENT TO N.JAYAKUMAR DATED 06/06/2019.**
EXHIBIT P1(A11)	**TRUE COPY OF THE PROCEEDINGS NO.EGI/15599/18/DTE OF THE DIRECTORATE TECHNICAL EDUCATION, THIRUVANANTHAPURAM DATED 07/07/2019.**

EXHIBIT P1(A12)	**TRUE COPY OF THE CIRCULAR NO.EG1/15599/18/DTE OF THE DIRECTORATE OF TECHNICAL EDUCATION DATED 23/07/2019.**
EXHIBIT P1(A13)	**TRUE COPY OF THE KPSC NOTIFICATION CALLING APPLICANTS FOR THE POST OF LECTURER IN CIVIL ENGINEERING AND PUBLISHED IN GAZETTE DATED 10/08/2015.**
EXHIBIT P1(A14)	**TRUE COPY OF THE KPSC NOTIFICATION CALLING APPLICANTS FOR THE POST OF LECTURER IN ELECTRICAL & ELECTRONICS ENGINEERING AND PUBLISHED IN GAZETTE DATED 26/07/2016.**
EXHIBIT P1(A15)	**TRUE COPY OF THE KPSC NOTIFICATION CALLING APPLICANTS FOR THE POST OF LECTURER IN BIOMEDICAL ENGINEERING AND PUBLISHED IN GAZETTE DATED 21/05/2014.**
EXHIBIT P1(16)	**TRUE COPY OF THE FULL PAGES OF THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION PAY SCALES, SERVICE CONDITIONS AND MINIMUM QUALIFICATIONS FOR THE APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF SUCH AS LIBRARY AND PHYSICAL EDUCATION PERSONNEL IN TECHNICAL INSTITUTIONS AND MEASURES FR THE MAINTENANCE OF STANDARDS IN TECHNICAL EDUCATION (DIPLOMA) REGULATION, 2019 DATED 01/03/2019.**
EXHIBIT P2	**TRUE COPY OF THE ORDER NO.EC2/39013/12/DTE DATED 01/12/2013 OF THE 6TH RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE B.TECH.DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA TO THE 1ST PETITIONER DATED 16/02/2009.**
EXHIBIT P4	**TRUE COPY OF THE ORDER NO.EC2/10996/2010/DTE(II) DATED 04/05/2011 OF THE 6TH RESPONDENT.**
EXHIBIT P5	**TRUE COPY OF THE ORDER NO.EC2/15020/15/DTE DATED 24/08/2015.**
EXHIBIT P6	**TRUE COPY OF THE ORDER NO.EC2/51451/14/DTE DATED 01/07/2015 OF THE 6TH RESPONDENT.**
EXHIBIT P7	**TRUE COPY OF THE B.TECH. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF CALICUT TO THE 2ND PETITIONER DATED 06/10/2019.**
EXHIBIT P8	**TRUE COPY OF THE ORDER NO.EC2/280201/14/DTE DATED 05/12/2014 OF THE 6TH RESPONDENT.**
EXHIBIT P9	**TRUE COPY OF THE B.TECH.ENGINEERING DEGREE CERTIFICATE OF THE 3RD PETITIONER AWARDED BY THE UNIVERSITY OF CALICUT DATED 03/10/2011.**
EXHIBIT P10	**TRUE COPY OF THE REPLY STATEMENT FILED BY THE 3RD RESPONDENT IN EXT.P1 O.A.NO.1417/2019 DATED 30/10/2019.**

EXHIBIT P11	**TRUE COPY OF THE AICTE REGULATIONS DATED 22/01/2010 (NOTIFIED IN OFFICIAL GAZETTE DATED 05/03/2010).**
EXHIBIT P12	**TRUE COPY OF THE CIRCULAR NO.47/2017 DATED 04/06/2019 ISSUED BY THE 9TH RESPONDENT.**
EXHIBIT P13	**TRUE COPY OF THE CIRCULAR NO.EGI/15599/18/DTE DATED 12/07/2019 OF THE 9TH RESPONDENT AND THE LIST ATTACHED TO THE SAME.**
EXHIBIT P14	**TRUE COPY OF THE ORDER DATED 09/12/2019 IN O.A.NO.1578/2019 AND CONNECTED CASES.**