



GOVERNMENT OF KERALA

ABSTRACT

Higher Education Department - Collegiate Education - OA(EKM) 2944/2017 & OA 2945/2017 filed by Dr.Valsala Kumar.N and Dr.T.A.Thomas - Order dated 12.01.2018 in OA(EKM) No.2944 & 2945/2017 Complied with - Orders issued.

HIGHER EDUCATION (F) DEPARTMENT

G.O.(Rt) No.946/2018/H.Edn.

Dated, Thiruvananthapuram, 11.05.2018.

Read:- 1. Order dated 12.01.2018 in OA(EKM) No.2944 & 2945/2017 filed by Dr.Valsala Kumar.N and Dr.T.A.Thomas.
2. Judgment dated 23.02.2016 of High Court in WA1676/13 WP(c) 29253 and 29512 and others

ORDER

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The Honourable Administrative Tribunal of Kerala vide order dated 12.01.2018 in OA(EKM) Nos 2944 & 2945 of 2017 filed by Dr.Valsala Kumar.N and Dr.T.A.Thomas, directed to consider and pass orders on Annexure A3 representation (in both the cases) in accordance with law, after affording an opportunity of being heard to the applicants, within three months from the date of receipt of a certified copy of the order.

As ordered by the Honourable KAT the hearing was convened on 27.03.2018. The officers of the Director of Collegiate Education were also present at the hearing.

The prayer of the applicant is to promote him to the post of Principal with effect from 18.9.2010 and to revise his pay and allowances accordingly. The UGC Regulations of 2010 was implemented with effect from 18.09.2010 vide GO(P) No.392/10/HEdn dated 10.12.2010. But the Special Rules of the Collegiate Education Department for the appointment of teaching faculty had not been amended in tune with the order implementing UGC Regulations. As such, the promotion to the post of Principals in Government Arts and Science Colleges under the Administrative control of the Director of Collegiate Education had been made in pursuance of the existing Special Rule. The qualification for the appointment of

Principal was, "Senior most lecturing faculty member having 25 years of teaching experience in the Collegiate Education Department". The Honourable High Court of Kerala, in the Judgment read as 2nd paper above, has ordered that irrespective of whether the University Act enacted under Entry 25 of list III or the Statutes framed thereunder are amended in line with the UGC Regulations or not, in view of its adoption by the State of Kerala with effect from 18.09.2010 vide, Government Order G.O.(P) No.392/2010/HEdn. dated 10.12.2010, the Universities and affiliated Colleges in Kerala State are bound to comply with the UGC Regulations 2010. It is further ordered that the UGC Regulations 2010, having adopted by the Government of Kerala vide G.O.(P) No.392/2010/HEdn. dated 10.12.2010 with effect from 18.09.2010, the selections held thereafter can only be in compliance with the said Regulations. Honourable High Court also directed the appointing authorities concerned to consider the claims of the petitioners of the writ petitions in accordance with their qualification, seniority and suitability, along with other eligible candidates and make appointments in accordance with law.

Consequently a Review Petition was filed against the judgment dated 23.02.2016 which was dismissed by the Honourable High Court and therefore an SLP was filed before the Honourable Supreme Court against the judgment dated 23.02.2016 of Honourable High Court.

In the mean time, Government vide GO(P) No.10/17/HEdn dated 19.03.2017 issued orders with regard to the qualification for the promotion as Principals. As per the said order Ph.D is an essential qualification. All promotions made by Government adhered to the conditions of the said Government Order. The Principal promotion made before the Judgment dated 23.02.2016 of the Honourable High Court is on the basis of the qualification stipulated in the Special Rules of the Department. During the time on which the applicants were in service, the promotions in the cadre of Principals were done in accordance with the Special Rules. The applicants were excluded from the promotion list since they failed to satisfy the service conditions and qualification stipulated in the Special Rules. Now the prayer of the Applicants is to promote them as Principals with effect from 18.09.2010 and to revise their pay and allowances accordingly. Since the case is now under the consideration of the Supreme Court the petitioner's request can be considered only in accordance with the final decision of the Honourable Supreme Court in the SLP.

In the light of the facts and circumstances explained above, the claim of the applicants as in Annexure A3 representation can be considered only subject to the final outcome of the Special Leave Petition SLP(C) CC No. 1559/17 arising out of the judgment dated 23.02.2016 in WA 1676/13 and against order in RP 921/16 dated 26.10.2016 before the Honourable Supreme Court. The judgment dated 12.01.2018 in OA(EKM) Nos 2944 & 2945 of 2017 filed by Dr.Valsala Kumar.N and Dr.T.A.Thomas of the Honourable Administrative Tribunal is complied with accordingly.

(BY ORDER OF THE GOVERNOR)

Hari kumar G

Deputy Secretary to Government

To

The Advocate General, Thiruvananthapuram (with covering letter)
The persons concerned (through Director of Collegiate Education)
The Director of Collegiate Education, Thiruvananthapuram
The Principal Accountant General (Audit) Kerala, Thiruvananthapuram
The Principal Accountant General (A&E) Kerala, Thiruvananthapuram
The Director, I&PRD/Information Officer, Web&New Media
Stock File /Office Copy.

Forwarded/By Order


Section Officer