



GOVERNMENT OF KERALA

Abstract

Technical Education- Govt Engineering Colleges- Interim Order dated 25.02.2021 in CP(E) No.116/2019 in OA 711/2019 filed by Sri.Biju.C.A, Assistant Professor (On promotion as Associate Professor) in Architecture Department, Govt Engineering College, Thrissur- direction of Hon. KAT - complied with- orders issued-

HIGHER EDUCATION(G)DEPARTMENT

G.O.(Rt)No.884/2021/HEDN Dated,Thiruvananthapuram, 07/07/2021

Read 1 G.O.(Rt)No.9/2021/HEDN Dated,01/01/2021.

2 Interim Order dated 25.02.2021 in CP© No.116/2019 filed by Sri.Biju.C.A, Assistant Professor(On promotion as Associate Professor) in Architecture Department, Govt Engineering College, Thrissur.

3 Letter no EA1- 15563/2019 /DTE dated 30.06.2021 from the Director of Technical Education, Thiruvananthapuram.

4 Order of the Hon. High Court of Kerala dated 03.12.2020 in OP(KAT) 133/2019 and other connected cases.

ORDER

As per Govt order read above, orders had been issued complying the direction of Hon. Tribunal in Order dated 03.04.2019 in OA (Ekm) 663/2019 filed by Sri. Sujith.K.M and another and order dated 10.04.2019 in OA (Ekm) 711/2019 filed by Sri. Biju.C.A and directions in the CP(E) No.116/2019 & 117/2019. Hon. Tribunal as per interim order dated 25.02.2021, directed the respondent for instruction as to whether the applicant in CPE No.116/2019, *ie*, Biju. C.A could be heard on the question of seniority before the issuance of orders for promotion as Associate Professor. As such the applicant was heard on 12.04.2021.The Director of Technical Education as per letter cited as 3rd above had forwarded report to Govt to consider the request on the petition.

2. Vide order dated 03.12.2020 in OP(KAT) 133/2019 and other connected cases the Hon. High Court of Kerala has already given direction to Govt such as

" the exercise of reviewing any provisional promotions granted and issuance of orders regarding regular promotions must be completed within a period of 3 months from the date of receipt of a copy of this judgement. Till such time as the exercise is completed 'status quo' on the date of issuance of G.O (Ms) No.71/2019/H.Edn dated 07-03-2019 shall be maintained and the promotions/reversions ordered therein shall not be implemented."

Based on the above direction of Hon. High Court , Govt are taking steps for implementing the Court direction. However, Govt had approached Hon .Supreme Court for filing SLPc against the declaration whether AICTE regulation will prevail over the method of recruitment prescribed by Govt in special Rules.At this stage it is not possible to effect promotions/ reversions or make change in the date of effect in the cadre of Associate Professors. Moreover, Govt had already issued orders as per Govt order read as 1st paper above complying with the judgement of Hon. KAT in the OAs filed by the other two faculties in the Architecture branch based on the similar compliant.

3. In view of the above , Govt have examined the matter in detail and have decided to reject the prayer of the applicant for the time being as action is being taken by Govt to revise the Govt orders dated 07.03.2019 considering the judgement dated 03.12.2020. The prayer of the applicant shall be considered under that.

4.The direction in Interim Order dated 25.02.2021 in CP(E) No.116/2019 filed by Sri.Biju.C.A,Assistant Professor (On promotion as Associate Professor) in Architecture Department, Govt Engineering College, Thrissur is complied with accordingly.

(By order of the Governor)
Sreekala S
Deputy Secretary

To:

The Advocate General, Ernakulam
The Director of Technical Education, Thiruvananthapuram.
The applicants concerned (Through DTE)
The Principal Accountant General Kerala, Thiruvananthapuram.
The Information Officer, Web and New Media, I&PR Department.
✓ www.highereducation.kerala.gov.in.
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Forwarded /By order


Section Officer