

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

MONDAY, THE 14TH DAY OF NOVEMBER 2022 / 23RD KARTHIKA,
1944

WA NO. 1302 OF 2022

AGAINST THE JUDGMENT IN WP(C) 14971/2022 OF HIGH COURT OF
KERALA

APPELLANTS/PETITIONERS:

- 1 JASNA BASHEER, AGED 34 YEARS
W/O.RINOZ E, BAITHUL RAHMA, VELOOR P.O.,
KOTTAYAM DISTRICT - 686 003.
- 2 SRUTHI V.R.,
AGED 29 YEARS
W/O.VISHNU K.V., VALIYA VEED HOUSE,
CHENGALAM SOUTH P.O.,
KOTTAYAM DISTRICT - 686 022.
- 3 SHAJEELA RANI A.
W/O. SUNEER KHAN S, SUJEER MANZHIL,
KUZHIMATHICADU P.O, KUNDARA P.O, KOLLAM
DISTRICT- 691 509.
- 4 SANTI KRISHNA
AGED 33 YEARS
W/O. RAKESH KRISHNAN, SANKARAMANGALAM,
NEDUMKUNNAM, KOTTAYAM DISTRICT-686 542.
- 5 DR. SIMI S. KURUP,
AGED 42 YEARS
W/O. SUDEESH KUMAR, TATHWAMASI,
KUNNAMTHANAM P.O, THIRUVALLA-689 581.
- 6 DR. JAYANTHI L.S.
AGED 35 YEARS
W/O. MAHESH S, TC 25/2706/2,
PRA L21 LUKES LANE, PULIMOOD,
THIRUVANANTHAPURAM-695001.

- 7 PRIYANKA NAIR N.A.,
 AGED 42 YEARS
 D/O. LATE P.K. ACHUTHAN NAIR, NEDUVELIL HOUSE,
 NARANGANAM P.O., KOZHENCHERY,
 PATHANAMTHITTA DISTRICT - 689 642.
- 8 VANDANA SUNIL
 AGED 34 YEARS
 D/O. B. SUNIL, PADINJAREMADATHIL,
 THEKKETHKAVALA P.O., KOTTAYAM - 686519.

BY ADVS.
GEORGE POONTHOTTAM (SR.)
NISHA GEORGE

RESPONDENTS/RESPONDENTS

- 1 STATE OF KERALA
 REPRESENTED BY SECRETARY,
 DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT,
 THIRUVANANTHAPURAM - 691 001.
- 2 THE DIRECTOR OF COLLEGIATE EDUCATION,
 VIKAS BHAVAN, PALAYALAM,
 THIRUVANANTHAPURAM-695033.
- 3 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
 KOTTAYAM, VAYASKARAKUNNU, PALACE ROAD,
 KOTTAYAM - 686 001.
- 4 THE SREEKUMARA GURUDEVA EDUCATIONAL CHARITABLE
 TRUST (SECT),
 SREEKUMARA NAGAR, ERAVIPEROOR,
 PATHANAMTHITTA DISTRICT-689 542,
 REPRESENTED BY ITS SECRETARY.
- 5 THE PRDS COLLEGE OF ARTS AND SCIENCE
 AMARAPURAM, AMARA P.O, CHANGANASSERY,
 KOTTAYAM DISTRICT-686 546.
 REPRESENTED BY ITS MANAGER.

- 6 THE MAHATMA GANDHI UNIVERSITY
PRIYADARSHINY HILLS, REPRESENTED BY REGISTRAR,
ATHIRAMPUZHA, KOTTAYAM DISTRICT-686 560.
- 7 SRI C. SATHYAKUMAR
POYKA, MEKKEVATTAVILA, ARAYUR P.O.,
THIRUVANANTHAPURAM - 695 122
- 8 DR. P.N. VIJAYAKUMAR,
INDEEVARAM, M.R. VASU ROAD, CRA 1,
AYYANTHOLE P.O, THRISSUR DISTRICT-680 003.
- 9 Y. SADASIVAN
MANAGER, PRDS COLLEGE OF ARTS AND SCIENCE,
RESIDING AT BABY SADANAM, KALLODE P.O,
NEYYATTINKARA, THIRUVANANTHAPURAM-685 571.
- 10 ADDL.R. DR.DHANESH SEKHAR,
CHANDRASEKHARAN NAIR,
GUEST LECTURER IN ECONOMICS, S/O. RESIDING AT
VATTAPURAYIDATHIL HOUSE, VELLIAPPALLY P.O,
ARUNAPURAM VIA, KOTTAYAM DISTRICT PIN: 686574
- 11 ADDL.R11. PRAVEENA.T.RAM
AGED 32 YEARS
D/O T. K. RAMACHANDRAN,
GUEST LECTURER IN ECONOMICS,
RESIDING AT APSARA, AISWARYA COLONY, OLAVAKKODE,
PALAKKAD, PIN- 678002
- 12 ADDL.R12. DR.MANJU.P.T.
AGED 41 YEARS
W/O SUBHASH R. GUEST LECTURER IN HINDI,
RESIDING AT CHENNACHERY PUTHEN VEEDU, VKRA 214,
MASJID AT LANE, VAZHOTTUKONAM, P.O
VATTIYOORKAVU, TRIVANDRUM PIN: 695013.
- 13 ADDL.R13. DR.RAJEEV MOHAN
AGED 33 YEARS, S/O K.M MOHANARAJAN,
GUEST LECTURER IN MALAYALAM,
RESIDING AT KUNNIL HOUSE, AMARA P.O, VENKOTTA,
KOTTAYAM DISTRICT, PIN- 686 546.

- 14 ADDL.R14. DR.DEEPA.K.GOPALAN
AGED 36 YEARS
D/O K.K. GOPALAN, GUEST LECTURER IN COMMERCE,
RESIDING AT PALLATHU PARAMBIL HOUSE,
PALLATHU LANE, R.S.A.C. ROAD, VYTTILA,
ERNAKULAM DISTRICT, PIN- 682019
- 15 ADDL.R15. AKHILA.M.PANICKER
AGED 29 YEARS
D/O MOHANA CHANDRA PANICKER,
GUEST LECTURER IN COMMERCE,
RESIDING AT MADHAVAM HOUSE, THOTTAMON,
RANNI P.O. PATHANAMTHITTA DISTRICT. PIN-689672.
- 16 ADDL R16. VEENAMOL RAJ
AGED 25 YEARS
D/OT. M. RAJAN, GUEST LECTURER COMMERCE,
RESIDING AT THANICKAL HOUSE, PINNAKKANDU,
KULAKETTY P.O, KOTTAYAM 686508.
- 17 ADDL.R17. ATHIRAMOL.K.R.
AGED 26 YEARS,
D/O. RAVEENDRA KURNAR M.T,
GUEST LECTURER IN MATHEMATICS,
RESIDING AT KOLLAINPARAMPIL, NEDUMANNY P.O.
NEDUMKUNNAM, KOTTAYAM DISTRICT, PIN-686542.
- 18 ADDL.R18. SAJINAMOL.A.K.
AGED 30 YEARS
D/O. KUMARAN A.C. GUEST LECTURER IN MATHEMATICS,
RESIDING AT AIYEPURAYIDATHIL HOUSE,
PUTHENCHANTHA P.O. VAKATHANAM,
KOTTAYAM PIN- 686538.
- 19 ADDL.R19. NEETHU SANTHARAM
AGED 26 YEARS
D/O SANTHARAM P.K., GUEST LECTURER IN PHYSICS,
RESIDING AT PARAYANMOOLAYIL HOUSE, DEVALOKAM
P.O. KOTTAYAM-686 004.

- 20 ADDL.R20. AMULYA APPOOS
AGED 26 YEARS
D/O. DR. A. K APPUKKUTTAN,
GUEST LECTURER IN ENGLISH,
RESIDING AT EZHOLICKAL, P.O, MADAPPALLY,
CHANGANACHERRY, KOTTAYAM-686546.
- 21 ADDL.R21. ARJUN.R.
AGED 27 YEARS
S/O RAVEENDRAN A.G., GUEST LECTURER IN ENGLISH,
RESIDING AT RESHMI HOUSE, ERAVIPEROOR P.O,
PATHANAMTHITTA, PIN- 689542.
- 22 ADDL.R22. PRIYANKA SURENDRAN
AGED 31 YEARS
D/O SURENDRAN P. R., GUEST LECTURER IN ENGLISH,
RESIDING AT SUJAY BHAVAN, HARITHA NAGAR,
OOKKODE P.O. TRIVANDRUM- 695020.
- 23 ADDL.R23. ANIL.M.R., AGED 43 YEARS
S/O. RAGHAVAN M.A. GUEST LECTURER IN ENGLISH
RESIDING AT MULAKOOTTATHIL HOUSE, KURICHIMUTTO,
PATHANAMTHITTA-689532.
- 24 ADDL.R24. AJITH.K.K.,
AGED 27 YEARS
S/O KRISHNANKUTTY K,
GUEST LECTURER IN STATISTICS,
RESIDING AT KUNNATHUCHALIL HOUSE, PERIKKALLOOR
P.O. PULPALLY, WAYANAD - 673579.

BY ADVS.
SR.GOVERNMENT PLEADER SMT.VINITHA B.
GIRIJA K GOPAL
SMT.P.K.SANTHAMMA
SHAMEENA SALAHUDHEEN
ALEX.M.SCARIA
SARITHA THOMAS
ALEN J. CHERUVIL SRI.SURIN GEORGE IPE, SC, MGU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.11.2022, ALONG WITH WA.1316/2022, 1394/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

MONDAY, THE 14TH DAY OF NOVEMBER 2022 / 23RD KARTHIKA,

1944

WA NO. 1316 OF 2022

AGAINST THE JUDGMENT IN WP(C) 2392/2022 OF HIGH COURT OF
KERALA

APPELLANTS/PETITIONERS:

- 1 RAJITHA V K, AGED 39 YEARS
 W/O. HAREESHKUMAR T.N. THATTEL (H) ,
 MANARCAD P.O, KOTTAYAM DISTRICT-686 019.
- 2 JASNA BASHEER,
 AGED 34 YEARS
 W/O. RINOZ E, BAITHUL RAHMA, VELOOR P.O,
 KOTTAYAM DISTRICT-686 003.
- 3 SRUTHI V.R. ,
 AGED 29 YEARS
 W/O. VISHNU K.V, VALIYA EED HOUSE,
 CHENGALAM SOUTH P.O, KOTTAYAM DISTRICT-686 022.
- 4 SHAJEELA RANI A,
 AGED 34 YEARS
 W/O. SUNEER KHAN S, SUJEER MANZHIL,
 KUZHIMATHICADU P.O, KUNDARA P.O,
 KOLLAM DISTRICT-691 509.
- 5 SANTHI KRISHNA,
 AGED 33 YEARS
 W/O. RAKESH KRISHNAN, SANKARAMANGALAM,
 NEDUMKUNNAM, KOTTAYAM DISTRICT-686 542.

- 6 BINDHU P.,
AGED 39 YEARS
W/O. BINU. G, AMARAVATHI, NANDAIVANAM,
NAGARoor, NEDUMPARAMBU P.O,
THIRUVANANTHAPURAM-695 102.
 - 7 DR. SIMI S. KURUP,
AGED 42 YEARS
W/O. SUDEESH KUMAR, TATHWAMASI,
KUNNAMTHANAM P.O, THIRUVALLA-689 581.
 - 8 DR. JAYANTHI L.S.,
AGED 35 YEARS
W/O. MAHESH S, TC 25/2706/2, PRA L21 LUKES LANE,
PULIMOOD, THIRUVANANTHAPURAM-695 001.
- BY ADVS.
GEORGE POONTHOTTAM (SR.)
NISHA GEORGE

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY,
DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-691 001.
- 2 THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, PALAYALAM,
THIRUVANANTHAPURAM-695 033.
- 3 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM, VAYASKARAKUNNU, PALACE ROAD,
KOTTAYAM - 686 001.
- 4 THE SREEKUMARA GURUDEVA EDUCATIONAL CHARITABLE
TRUST (SECT),
SREEKUMARA NAGAR, ERAVIPEROOR,
PATHANAMTHITTA DISTRICT-689 542,
REPRESENTED BY ITS SECRETARY.

- 5 THE PRDS COLLEGE OF ARTS AND SCIENCE,
AMARAPURAM, AMARA P.O, CHANGANASSERY,
KOTTAYAM DISTRICT-686 546.
REPRESENTED BY ITS MANAGER.
- 6 THE MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINY HILLS, REPRESENTED BY REGISTRAR,
ATHIRAMPUZHA, KOTTAYAM DISTRICT-686 560.
- 7 DR. R. PRAGASH DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION,
VAYASKARAKUNNU, PALACE ROAD, KOTTAYAM-686 001.
- 8 DR. P.N. VIJAYAKUMAR,
INDEEVARAM, M.R. VASU ROAD, CRA 1,
AYYANTHOLE P.O, THRISSUR DISTRICT-680 003.
- 9 Y. SADASIVAN,
MANAGER, PRDS COLLEGE OF ARTS AND SCIENCE,
RESIDING AT BABY SADANAM, KALLODE P.O,
NEYATTINKARA, THIRUVANANTHAPURAM-685 571.

BY ADVS.
SR. GOVERNMENT PLEADER SMT.VINITHA B.
SMT.GIRIJA K GOPAL
SRI.SURIN GEORGE IPE,SC, MGU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.11.2022, ALONG WITH WA.1302/2022 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

MONDAY, THE 14TH DAY OF NOVEMBER 2022 / 23RD KARTHIKA,

1944

WA NO. 1394 OF 2022

AGAINST THE JUDGMENT IN WP(C) 14971/2022 OF HIGH COURT OF
KERALA

APPELLANTS/RESPONDENTS 5 & 9:

- 1 THE PRDS COLLEGE OF ARTS AND SCIENCE
AMARAPURAM, AMARA P.O, CHANGANASSERY,
KOTTAYAM DISTRICT- PIN - 686546
REPRESENTED BY ITS MANAGER.
- 2 Y. SADASIVAN
MANAGER, PRDS COLLEGE OF ARTS AND SCIENCE,
RESIDING AT BABY SADANAM, KALLODE P.O,
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN - 685571

BY ADVS.

N.ANAND

S. P. ARAVINDAKSHAN PILLAY

RAJESH O.N.

PETER JOSE CHRISTO (K/1216/2004)

S.A.ANAND (K/1216/2006)

RESPONDENTS/WRIT PETITIONERS/RESPONDENTS:

- 1 JASNA BASHEER
AGED 34 YEARS
W/O. RINOZ E, BAITHUL RAHMA, VELOOR P.O,
KOTTAYAM DISTRICT, PIN - 686003

- 2 **SRUTHI V.R**
AGED 29 YEARS, W/O. VISHNU K.V,
VALIYA VEED HOUSE, CHENGALAM SOUTH P.O,
KOTTAYAM DISTRICT, PIN - 686022
- 3 **SHAJEELA RANI A**
AGED 34 YEARS, W/O. SUNEER KHAN S,
SUJEER MANZHIL,
KUZHIMATHICADU P.O, KUNDARA P.O,
KOLLAM DISTRICT, PIN - 691509
- 4 **SANTHI KRISHNA**
AGED 33 YEARS, W/O. RAKESH KRISHNAN,
SANKARAMANGALAM, NEDUMKUNNAM,
KOTTAYAM DISTRICT, PIN - 686542
- 5 **DR. SIMI S. KURUP**
AGED 42 YEARS, W/O. SUDEESH KUMAR,
TATHWAMASI, KUNNAMTHANAM P.O,
THIRUVALLA, PIN - 689581
- 6 **DR. JAYANTHI L.S**
AGED 35 YEARS, W/O. MAHESH S,
TC 25/2706/2, PRA L21 LUKES LANE,
PULIMOOD, THIRUVANANTHAPURAM, PIN - 695001
- 7 **PRIYANKA NAIR N.A**
AGED 42 YEARS, D/O. LATE P.K. ACHUTHAN NAIR,
NEDUVELIL HOUSE, NARANGANAM P.O.,
KOZHENCHERY,
PATHANAMTHITTA DISTRICT, PIN - 689642
- 8 **VANDANA SUNIL**
AGED 34 YEARS, D/O. B. SUNIL,
PADINJAREMADATHIL,
THEKKETHKAVALA P.O., KOTTAYAM, PIN - 686519
- 9 **STATE OF KERALA**
REPRESENTED BY SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

- 10 THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, PALAYALAM,
THIRUVANANTHAPURAM, PIN - 695033
- 11 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOTTAYAM, VAYASKARAKUNNU, PALACE ROAD,
KOTTAYAM, PIN - 686001
- 12 THE SREEKUMARA GURUDEVA EDUCATIONAL CHARITABLE
TRUST (SECT)
SREEKUMARA NAGAR, ERAVIPEROOR,
PATHANAMTHITTA DISTRICT- PIN - 689542
REPRESENTED BY ITS SECRETARY
- 13 THE PRDS COLLEGE OF ARTS AND SCIENCE
AMARAPURAM, AMARA P.O, CHANGANASSERY,
KOTTAYAM DISTRICT- PIN - 686546
REPRESENTED BY ITS MANAGER.
- 14 THE MAHATMA GANDHI UNIVERSITY
PRIYADARSHINY HILLS, REPRESENTED BY REGISTRAR,
ATHIRAMPUZHA, KOTTAYAM DISTRICT, PIN - 686560
- 15 C. SATHYAKUMAR
POYKA, MEKKEVATTAVILA, ARAYUR P.O.,
THIRUVANANTHAPURAM, PIN - 695122
- 16 DR. P.N. VIJAYAKUMAR
INDEEVARAM, M.R. VASU ROAD, CRA 1,
AYYANTHOLE P.O, THRISSUR DISTRICT, PIN - 680003
- 17 ADDL.R.DR.DHANESH SEKHAR
CHANDRASEKHARAN NAIR,
GUEST LECTURER IN ECONOMICS,
S/O. RESIDING AT VATTAPURAYIDATHIL HOUSE,
VELLIAPPALLY P.O, ARUNAPURAM VIA,
KOTTAYAM DISTRICT, PIN - 686574

- 18 ADDL.R11. PRAVEENA.T.RAM
AGED 32 YEARS
D/O T. K. RAMACHANDRAN,
GUEST LECTURER IN ECONOMICS,
RESIDING AT APSARA, AISWARYA COLONY, OLAVAKKODE,
PALAKKAD, PIN- 678002
- 19 ADDL.R12. DR.MANJU.P.T.
AGED 41 YEARS
W/O SUBHASH R. GUEST LECTURER IN HINDI,
RESIDING AT CHENNACHERY PUTHEN VEEDU, VKRA 214,
MASJID AT LANE, VAZHOTTUKONAM, P.O
VATTIYOORKAVU, TRIVANDRUM PIN: 695013.
- 20 ADDL.R13. DR.RAJEEV MOHAN
AGED 33 YEARS, S/O K.M MOHANARAJAN,
GUEST LECTURER IN MALAYALAM,
RESIDING AT KUNNIL HOUSE, AMARA P.O, VENKOTTA,
KOTTAYAM DISTRICT, PIN- 686 546.
- 21 ADDL.R14. DR.DEEPA.K.GOPALAN
AGED 36 YEARS
D/O K.K. GOPALAN, GUEST LECTURER IN COMMERCE,
RESIDING AT PALLATHU PARAMBIL HOUSE,
PALLATHU LANE, R.S.A.C. ROAD, VYTTILA,
ERNAKULAM DISTRICT, PIN- 682019
- 22 ADDL.R15. AKHILA.M.PANICKER
AGED 29 YEARS
D/O MOHANA CHANDRA PANICKER,
GUEST LECTURER IN COMMERCE,
RESIDING AT MADHAVAM HOUSE, THOTTAMON,
RANNI P.O. PATHANAMTHITTA DISTRICT. PIN-689672.
- 23 ADDL R16. VEENAMOL RAJ
AGED 25 YEARS
D/OT. M. RAJAN, GUEST LECTURER COMMERCE,
RESIDING AT THANICKAL HOUSE, PINNAKKANDU,
KULAKETTY P.O, KOTTAYAM 686508.

- 24 ADDL.R17. ATHIRAMOL.K.R.
AGED 26 YEARS,
D/O. RAVEENDRA KURNAR M.T,
GUEST LECTURER IN MATHEMATICS,
RESIDING AT KOLLAINPARAMPIL, NEDUMANNY P.O.
NEDUMKUNNAM, KOTTAYAM DISTRICT, PIN-686542.
- 25 ADDL.R18. SAJINAMOL.A.K.
AGED 30 YEARS
D/O. KUMARAN A.C. GUEST LECTURER IN MATHEMATICS,
RESIDING AT AIYEPURAYIDATHIL HOUSE,
PUTHENCHANTHA P.O. VAKATHANAM,
KOTTAYAM PIN- 686538.
- 26 ADDL.R19. NEETHU SANTHARAM
AGED 26 YEARS
D/O SANTHARAM P.K., GUEST LECTURER IN PHYSICS,
RESIDING AT PARAYANMOOLAYIL HOUSE, DEVALOKAM
P.O. KOTTAYAM-686 004.
- 27 ADDL.R20. AMULYA APPOOS
AGED 26 YEARS
D/O. DR. A. K APPUKKUTTAN,
GUEST LECTURER IN ENGLISH,
RESIDING AT EZHOLICKAL, P.O, MADAPPALLY,
CHANGANACHERRY, KOTTAYAM-686546.
- 28 ADDL.R21. ARJUN.R.
AGED 27 YEARS
S/O RAVEENDRAN A.G., GUEST LECTURER IN ENGLISH,
RESIDING AT RESHMI HOUSE, ERAVIPEROOR P.O,
PATHANAMTHITTA, PIN- 689542.
- 29 ADDL.R22. PRIYANKA SURENDRAN
AGED 31 YEARS
D/O SURENDRAN P. R., GUEST LECTURER IN ENGLISH,
RESIDING AT SUJAY BHAVAN, HARITHA NAGAR,
OOKKODE P.O. TRIVANDRUM- 695020.
- 30 ADDL.R23. ANIL.M.R., AGED 43 YEARS
S/O. RAGHAVAN M.A. GUEST LECTURER IN ENGLISH
RESIDING AT MULAKOOTTATHIL HOUSE, KURICHIMUTTO,
PATHANAMTHITTA-689532.

31 ADDL.R24. AJITH.K.K.,
AGED 27 YEARS
S/O KRISHNANKUTTY K,
GUEST LECTURER IN STATISTICS,
RESIDING AT KUNNATHUCHALIL HOUSE, PERIKKALLOOR
P.O. PULPALLY, WAYANAD - 673579.

BY ADVS.
NISHA GEORGE
SR.GOVERNMENT PLEADER SMT.VINITHA B.
ALEX.M.SCARIA
SHRI.SURIN GEORGE IPE, SC, M.G.UNIVERSITY
GIRIJA K GOPAL
P.K.SANTHAMMA
SHAMEENA SALAHUDHEEN
SARITHA THOMAS
ALEN J. CHERUVIL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.11.2022, ALONG WITH WA.1302/2022 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

MONDAY, THE 14TH DAY OF NOVEMBER 2022 / 23RD KARTHIKA,
1944

WA NO. 1410 OF 2022

AGAINST THE JUDGMENT IN WP(C) 2392/2022 OF HIGH COURT OF
KERALA

APPELLANTS/RESPONDENTS 5 & 9 IN WPC:

- 1 THE PRDS COLLEGE OF ARTS AND SCIENCE
AMARAPURAM, AMARA P.O,
CHANGANASSERY, KOTTAYAM DISTRICT-PIN 686546
REPRESENTED BY ITS MANAGER,
- 2 Y. SADASIVAN
MANAGER, PRDS COLLEGE OF ARTS AND SCIENCE,
RESIDING AT BABY SADANAM, KALLODE P.O,
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN - 685571

BY ADVS.

N.ANAND

S. P. ARAVINDAKSHAN PILLAY

RAJESH O.N.

PETER JOSE CHRISTO (K/1216/2004)

S.A.ANAND (K/1216/2006)

RESPONDENTS/WRIT PETITIONERS/RESPONDENTS 1 TO 4 AND 6 TO
8 IN WPC:

- 1 RAJITHA V.K., AGED 39 YEARS,
W/O. HAREESHKUMAR T.N.
THATTEL (H), MANARCAD P.O,
KOTTAYAM DISTRICT, PIN - 686019

- 2 JASNA BASHEER, AGED 34 YEARS,
W/O. RINOZ E,
BAITHUL RAHMA, VELOOR P.O,
KOTTAYAM DISTRICT, PIN - 686003
- 3 SRUTHI V.R, AGED 29 YEARS,
W/O. VISHNU K.V,
VALIYA VEED HOUSE,
CHENGALAM SOUTH P.O,
KOTTAYAM DISTRICT, PIN - 686022
- 4 SHAJEELA RANI A.
W/O. SUNEER KHAN S, SUJEER MANZHIL,
KUZHIMATHICADU P.O, KUNDARA P.O, KOLLAM
DISTRICT- 691 509.
- 5 SANTHI KRISHNA
AGED 33 YEARS
W/O. RAKESH KRISHNAN, SANKARAMANGALAM,
NEDUMKUNNAM, KOTTAYAM DISTRICT-686 542.
- 6 BINDHU P, AGED 39 YEARS,
W/O. BINU. G,
AMARAVATHI, NANDAIVANAM,
NAGARoor, NEDUMPARAMBU P.O,
THIRUVANANTHAPURAM, PIN - 695102
- 7 DR. SIMI S. KURUP,
AGED 42 YEARS
W/O. SUDEESH KUMAR, TATHWAMASI,
KUNNAMTHANAM P.O, THIRUVALLA-689 581.
- 8 DR. JAYANTHI L.S.,
AGED 35 YEARS
W/O. MAHESH S, TC 25/2706/2, PRA L21 LUKES LANE,
PULIMOOD, THIRUVANANTHAPURAM-695 001.
- 9 STATE OF KERALA
REPRESENTED BY SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 691001

- 10 THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, PALAYALAM,
THIRUVANANTHAPURAM, PIN - 695033
- 11 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOTTAYAM, VAYASKARAKUNNU, PALACE ROAD,
KOTTAYAM, PIN - 686001
- 12 THE SREEKUMARA GURUDEVA EDUCATIONAL CHARITABLE
TRUST (SECT)
SREEKUMARA NAGAR, ERAVIPEROOR,
PATHANAMTHITTA DISTRICT- PIN - 689542
REPRESENTED BY ITS SECRETARY.
- 13 THE MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINY HILLS,
REPRESENTED BY REGISTRAR,
ATHIRAMPUZHA, KOTTAYAM DISTRICT, PIN - 686560
- 14 DR. R. PRAGASH
DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
VAYASKARAKUNNU, PALACE ROAD,
KOTTAYAM, PIN - 686001
- 15 DR. P.N. VIJAYAKUMAR
INDEEVARAM, M.R. VASU ROAD,
CRA 1, AYYANTHOLE P.O,
THRISSUR DISTRICT, PIN - 680003

BY ADVS.
NISHA GEORGE
SR.GOVERNMENT PLEADER SMT.VINITHA B.
P.K.SANTHAMMA
SHRI.SURIN GEORGE IPE, SC, M.G.UNIVERSITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.11.2022, ALONG WITH WA.1302/2022 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR & C.S.SUDHA, JJ.

Writ Appeal Nos.1302, 1316, 1394 & 1410 of 2022

Dated this the 14th day of November, 2022.

JUDGMENT

P.B.Suresh Kumar, J.

The above appeals arise from the common judgment dated 13.07.2022 in W.P.(C) No.2392 of 2022 and W.P.(C) No.14971 of 2022. Among the appeals, W.A.Nos.1316 of 2022 and 1410 of 2022 are against the judgment in W.P.(C) No.2392 of 2022 and W.A.Nos.1302 of 2022 and 1394 of 2022 are against the judgment in W.P.(C) No.14971 of 2022. As the writ petitions were disposed of by a common judgment, the writ appeals are also disposed of by this common judgment. Parties and documents are referred to in this judgment for convenience, as they appear in W.P.(C) No.2392 of 2022.

2. The dispute pertains to the claim raised by the petitioners for regularisation as Assistant Professors in Prakthyaksha Raksha Daiva Sabha College of Arts and Science (the College), an aided private college affiliated to the

Mahatma Gandhi University (the University).

3. The College is one sanctioned by the Government to Prakthyaksha Raksha Daiva Sabha (the Sabha) in the aided sector in the year 2015. The Sabha is a body which is being administered in terms of the Scheme formulated by the Sub Court, Kottayam in O.S.No.141 of 1982. As per the Scheme, the president of the Sabha shall be the Manager of the educational institutions run by the Sabha. The Scheme empowers the High Council of the Sabha to appoint any person other than the President also as the Manager of the educational institutions run by the Sabha, if situation demands such an appointment. In order to run the College in accordance with the applicable laws, the Sabha constituted a Trust in the name and style 'Sreekumara Gurudevan Educational and Charitable Trust' (the Trust) and the Trust is running the College on behalf of the Sabha.

4. Even though sanction was accorded by the Government to conduct a few degree courses in the College and the University accorded affiliation for the sanctioned courses, the Government did not sanction the requisite number of teaching posts for the College. The College, in the

circumstances, is being run from the academic year 2016-17 onwards by engaging guest lecturers on daily wage basis. The ninth respondent was the President of the Sabha when the College was established. Consequently he was acting as the Manager of the College and was engaging guest lecturers in the College from time to time. The petitioners are persons engaged by the ninth respondent as guest lecturers on daily wage basis in the College for distinct academic years. While so, on 31.12.2020, in terms of Ext.P29 order, the Government sanctioned 11 posts of Assistant Professor for the College.

5. Later, in the year 2021, the then existing office bearers of the Sabha were replaced by a new set of office bearers through the process of election. Immediately thereupon, the competent authority of the Sabha placed the ninth respondent under suspension and appointed one Sri.C.Sathyakumar as the Manager of the College. Though the ninth respondent challenged his suspension in O.S.No.157 of 2021 before the Munsiff Court, Thiruvalla, the court did not permit the ninth respondent to continue as the Manager of the College. In the meanwhile, on being appointed as the Manager of the College, Sri.C.Sathyakumar issued Ext.P27 and identical

communications to the petitioners informing them that their engagement as guest lecturers in the College will stand terminated with effect from the date of expiry of the period for which they were engaged. The writ petition was filed by the petitioners in the above background stating that even though teaching posts had not been sanctioned by the Government for the College, the ninth respondent, after following a selection process, appointed petitioners as Assistant Professors in the College on regular basis in the College. Exts.P13 to P20 are stated to be appointment orders issued by the ninth respondent to the petitioners on 31.03.2018, 30.05.2018 and 09.06.2020. The petitioners allege that they have joined duty in the College pursuant to the said appointments and were working as Assistant Professors ever since the said appointments. According to the petitioners, since they have been working in the College as Assistant Professors ever since the dates aforesaid, they are entitled to be regularised in the newly sanctioned posts. The petitioners, therefore, seek among others, directions to the Sabha and the official respondents to regularise them in the service of the College as Assistant Professors.

6. A counter affidavit has been filed in the writ petition by the third respondent, the Deputy Director of Collegiate Education, stating, among others that posts have been sanctioned by the Government for the College only on 30.12.2020 and regular appointments could not have therefore been made any time prior to 30.12.2020. It was also stated by the third respondent that regular appointments can be made only after conducting a selection by a duly constituted Selection Committee and that the petitioners are not persons appointed on regular basis after following the said procedure. It was further contended by third respondent that petitioners being persons engaged for distinct academic years as guest lecturers, they are not entitled to the relief sought in the writ petition.

7. Even though a counter affidavit has been filed by the ninth respondent in the writ petition supporting the case of the petitioners, in his individual capacity as also styling himself as the Manager of the College, after obtaining permission from the Court, Sri.C.Sathyakumar filed a counter affidavit in the case on behalf of the College contending, among others, that he is functioning as the Manager of the

College since 12.06.2021; that the ninth respondent was not empowered to appoint any person in the College as Assistant Professor on regular basis before sanctioning of the requisite number of posts by the Government, that too, without following the procedure statutorily fixed for the same and the appointments of the petitioners in terms of Exts.P13 to P20 orders stated to have been issued by the ninth respondent are, therefore, invalid. It was also contended by Sri.C.Sathyakumar that Exts.P13 to P20 orders of appointment do not appear to be genuine, as the petitioners have been appointed by the ninth respondent even thereafter as guest lecturers in the College and they have even given undertakings that they will not claim any right for regular appointment as Assistant Professors in the College on the basis of the said engagement.

8. During the pendency of the writ petition, Sri.C.Sathyakumar issued a notification on 21.04.2022 inviting applications for engagement of persons as guest lecturers in the College. Five among the petitioners and a few others challenged the said notification before this Court in W.P.(C) No.14971 of 2022 alleging that they have already been appointed against the sanctioned posts in the College; that

the notification aforesaid is issued with a view to terminate their services and that insofar as they were appointed on regular basis, their services cannot be terminated.

9. The learned Single Judge who heard the writ petitions together took the view that insofar as the petitioners are not persons appointed based on the selection conducted by a duly constituted Selection Committee in terms of the Regulations issued by the UGC, they are not entitled to any relief in the writ petition. Despite the finding aforesaid, the learned Single Judge disposed of the writ petitions directing the University to constitute a Selection Committee and appoint Assistant Professors in the College on regular basis against the sanctioned posts. The operative portion of the judgement reads thus:

(a) The reliefs sought for by the petitioners in these three cases are repelled and therefore, dismissed to such extent.

(b) If the petitioners, or any among them, are still service or continuing, then they will be allowed to do so until appointments are made finally in terms of the directions below; however, clarifying that if there is any dispute as to whether they are continuing or otherwise, it would be construed that they have been terminated based on the undertakings which the College says they have already made.

(c) The University will immediately take steps to constitute a Selection Committee in terms of the 'UGC Regulations 2018'; with the modification that the Chairperson, his nominees and the nominees of the Governing Body of the College shall be appointed and made by the M.G. University, to be nominated from outside or from their own services, who occupy responsible positions in the field of education. This will also apply in the case of other nominated members, both from the side of the Vice Chancellor, as also the subject experts; but the Committee shall include the Principal of the College and a Professor, if any one is so available.

(d) The Principal of the College is hereby directed to afford complete support to the University in issuing notifications and completing the afore ordered processes in terms of direction (c) above and he shall be personally responsible to ensure that this is done notwithstanding any opposition from any person, including from the 'Trust', 'Sabha' or anyone else.

(e) Since some of the facts involved in this case are still amorphous, including as to the availability of a Principal or Professor in the College, I leave liberty to the parties, including the University, to approach this Court for any clarification, if it becomes so necessary; and the Registry will list such applications on priority before this Bench.

(f) Needless to say, the petitioners in these cases will be at liberty to apply for the posts, subject to all qualifications and conditions being satisfied by them.

The petitioners as also the ninth respondent are aggrieved by the said decision of the learned Single Judge and hence these appeals.

10. Heard the learned Senior Counsel for the

petitioners, the learned counsel for the ninth respondent, the learned Standing Counsel for the University, the learned counsel for the president of the Sabha, the learned counsel for Sri.C.Sathyakumar as also the learned Government Pleader.

11. The learned Senior Counsel for the petitioners contended that insofar as the petitioners have been appointed on regular basis by the then Manager of the College, after following a selection procedure, the appointments made cannot be said to be illegal. It was also argued by the learned Senior Counsel that at any rate, insofar as the petitioners were working as Assistant Professors in the College for the last so many years without interruption, it would be of great injustice to them to terminate their services so as to give way for effecting regular appointments in the College afresh and if not, at any rate, so as to give way for *ad hoc* appointments as attempted by the newly appointed Manager. Alternatively, placing reliance on Section 62(2) of the Mahatma Gandhi University Act, 1985, the learned Senior Counsel for the petitioners also argued that a person appointed as teacher in a private college in a temporary vacancy on or after the 14th of March, 1974 and continuing as such, is entitled to be

appointed as teacher in any permanent vacancy arising in the college. According to the learned Senior Counsel, in the light of the said provision, the petitioners are entitled to be absorbed in the regular establishment of the College. It was also argued by the learned Senior Counsel that at any rate, the learned Single Judge was not justified in issuing directions to the University to step into the shoes of the educational agency and make appointments on regular basis in the College against the sanctioned posts.

12. The learned counsel for the ninth respondent asserted that the ninth respondent continues even now as the Manager of the College and the actions of Sri.C.Sathyakumar are all illegal.

13. The learned Standing Counsel for the University asserted that the appointments made by the ninth respondent are all illegal and the same will not be approved by the University since the appointments were not made after a due process of selection by a duly constituted Selection Committee, that too, after sanctioning of posts by the Government. He also asserted that the petitioners being persons engaged on daily wage basis as guest lecturers to

officiate as Assistant Professors in the College for distinct academic years, they are not entitled to the relief sought for in the writ petition. He, however, contended that it is in the best interests of the College and students that the learned Single Judge directed the University to make regular appointments and the said directions cannot therefore be said to be illegal.

14. The learned counsel for Sri.C.Sathyakumar made elaborate submissions not only in her capacity as the counsel for Sri.C.Sathyakumar, but also on behalf of the Sabha which appointed Sri.C.Sathyakumar as the Manager of the College. It was contended by the learned counsel that petitioners are only persons engaged as guest lecturers for distinct academic years and they cannot stake a claim for appointment as Assistant Professors in the College on any grounds whatsoever. It was asserted by the learned counsel that Exts.P13 to P20 orders of appointment stated to have been issued by the ninth respondent to the petitioners are invalid. It was also argued by the learned counsel that the said appointment orders do not appear to be genuine since the petitioners have been engaged by the ninth respondent even thereafter as guest lecturers and even they have given

undertakings that they will not raise any claim for regular appointment as Assistant Professors on the strength of their engagement as guest lecturers. The learned counsel has relied on Exts. R5(h) to R5(s) to bring home the said point.

15. The learned Government Pleader reiterated the stand taken by the third respondent in the writ petition.

16. We have examined the arguments advanced by the learned counsel for the parties on either side.

17. Even though the learned Senior Counsel for the petitioners attempted to highlight the dispute between the Sabha on one side and the ninth respondent on the other side to develop and reinforce the case set out by the petitioners in the writ petition, according to us, it is unnecessary to go into the said dispute for considering the sustainability or otherwise of the prayer made by the petitioners in the writ petition. The fact that the petitioners are persons engaged as guest lecturers on daily wage basis in the College in distinct academic years to officiate as Assistant Professors, is not in dispute. The practice now in force is that when courses are sanctioned to newly established colleges or to the existing colleges, until appropriate number of posts are sanctioned by

the Government, that too, after assessing the workload, taking note of the number of students admitted for such courses, courses are to be conducted by the college by engaging guest lecturers on daily wage basis. Of course, in the best interests of the College and the students, it is obligatory for the Government to sanction appropriate number of posts at the earliest in colleges where courses are sanctioned and students have been admitted consequent thereto, to pursue such courses. Unfortunately, due to various reasons, the Government is taking quite a long time for sanctioning appropriate number of posts to colleges to which courses have been sanctioned. But that does not mean that regular appointments can be made before posts are sanctioned. That apart, as rightly held by the learned single judge, appointments cannot be made in an affiliated private college on regular basis otherwise than in accordance with the Regulations framed by the University Grants Commission (UGC). UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018 (2018 Regulations) came

into force with effect from 18.07.2017. The 2018 Regulations mandate constitution of a Selection Committee and a selection process as provided for therein for making regular appointments in universities and colleges. After the 2018 Regulations, regular appointments cannot be made in any college otherwise than in accordance with the procedure statutorily fixed. Similarly, in terms of the orders issued by the Government from time to time invoking clauses in the Direct Payment Agreement entered into by the Government with the educational agencies running private colleges, a nominee of the Government shall also be there in the Selection Committee to be constituted for selection of candidates for appointment on regular basis. The petitioners have no case that they have participated in a selection process as has been provided for in the 2018 Regulations. That apart, as rightly pointed out by the learned counsel for Sri.C.Sathyakumar, the regular appointments claimed by the petitioners do not appear to be genuine, since it has come out that the petitioners have been engaged as guest lecturers even thereafter and that they have even given undertakings to the effect that they would not raise any claim for regular appointments in the College on the

strength of their engagement as guest lecturers. It is doubtful as to whether Section 62(2) of the Mahatma Gandhi University Act has any application in the light of the provisions contained in the University Grants Commission Act as also the 2018 Regulations. Even otherwise, engagement of the petitioners as guest lecturers on daily wage basis cannot be construed as appointments to the post of Assistant Professor in temporary vacancies. Needless to say, the so-called regular appointments of the petitioners are invalid. The learned Single Judge, in the circumstances, was justified in rejecting the claim of the petitioners that they are entitled to be regularised in the service of the College as Assistant Professors.

18. Let us now examine the question whether the learned Single Judge was justified in directing the University to take steps to constitute a Selection Committee and appoint teachers in the College on regular basis. It is a matter of prudence that the court confines the exercise of jurisdiction, under Article 226 of the Constitution, to the right of the petitioner to seek the relief sought in the writ petition [See **Vinoy Kumar v. State of U.P.**, (2001) 4 SCC 734]. It shall not surprise parties by adjudicating the issues which have not

been raised by them. It is all the more so when third party interests are also involved in such adjudications. In the case on hand, as noted, going by the pleadings of the parties, the only issue that was required to be adjudicated by the court was as to whether the petitioners are entitled to be absorbed on regular basis in the College as Assistant Professors. Insofar as the court held that the petitioners are not entitled to be absorbed on regular basis in the College as Assistant Professors, according to us, the writ petition should have been dismissed by the learned Single Judge without delving into other issues. Instead, as noted, the learned Single Judge issued general directions for appointment of teachers in the College on regular basis, that too, against the statutory provisions contained in the Mahatma Gandhi University Act and the 2018 Regulations, inasmuch as the appointing authority under the Mahatma Gandhi University Act is the Manager of the College, and the Selection Committee in terms of the 2018 Regulations is one to be constituted by the competent authority of the educational agency consisting of its nominees also. We do not find any justification for the learned Single Judge to issue such directions, for neither the petitioners nor the contesting

respondents wanted the court to issue such directions. The court cannot re-write or re-frame the legislation, whatever be the good reason behind it [See **Pravasi Bhalai Sangathan v. Union of India**, (2014) 11 SCC 477]. Such directions cannot be said to have been issued in the interests of the students either, as the students were not parties to the proceedings. That apart, even the Sabha, on whom the right to make regular appointments in the College vests, is not a party to the writ petitions. Though the newly appointed Manager of the College is impleaded in his personal capacity as a party to W.P.(C) No.14971 of 2022, the judgment does not indicate whether the newly appointed Manager was heard on the general directions proposed, which are detrimental to the interests of the Sabha as also the College. Of course, the Sabha and the newly appointed Manager of the College have not challenged the directions issued by the learned Single Judge. Nevertheless, insofar as the petitioners being persons who are entitled to participate in the selection process duly initiated by the competent authority of the College, they are certainly entitled to contend that they are aggrieved by the order of the learned Single Judge in directing the University to make regular

appointments in the College contrary to the statutory provisions contained in the Mahatma Gandhi University Act and the 2018 Regulations.

In the light of the discussion aforesaid, the writ appeals are allowed in part sustaining the order of the learned Single Judge that the petitioners are not entitled to the reliefs sought for in the writ petition and setting aside the remaining directions, leaving the parties to work out their grievances in appropriate forums.

Sd/-
P.B.SURESH KUMAR, JUDGE.

Sd/-
C.S.SUDHA, JUDGE.

ds 17.11.2022

APPENDIX OF WA 1302/2022

PETITIONER ANNEXURES

ANNEXURE-R10 (A)	A TRUE COPY F THE G.O. (P) NO.111/2019 DATED 2.7.2019
ANNEXURE-R10 (B)	A TRUE COPY OF THE JUDGMENT DATED 10.3.2021 IN WPC NO.1009/2021
ANNEXURE-R10 (C)	A TRUE COPY OF THE G.O. (MS) NO.840/2021 DATED 24.6.2021 ISSUED BY THE 1ST RESPONDENT
ANNEXURE-R10 (D)	A TRUE COPY OF THE ADVERTISEMENT IN MATHRUBHOOMI DAILY DATED 28/05/2021
ANNEXURE-R10 (E)	A TRUE COPY OF THE JUDGMENT IN WPC NO.22162/2022 DATED 02/08/2022

W.A.No.1302 of 2022 & con. cases

-: 37 :-

APPENDIX OF WA 1394/2022

PETITIONER ANNEXURES

ANNEXURE-I

TRUE COPY OF THE APPLICATION FOR
LEAVE FILED BEFORE THE SUB COURT,
THIRUVALLA, AS O.P.NO.2 OF 2022 ALONG
WITH THE NOTICE.

W.A.No.1302 of 2022 & con. cases

-: 38 :-

APPENDIX OF WA 1410/2022

PETITIONER ANNEXURES

Annexure-I	TRUE COPY OF THE SCORE SHEET FOR THE SUBJECT OF COMMERCE IN 2018-19
Annexure-II	TRUE COPY OF THE NOTIFICATION DATED 10.09.22