

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 31ST DAY OF JANUARY 2014/11TH MAGHA, 1935

WP(C).No. 5032 of 2010 (D)

PETITIONER(S):

**DR.JACOB K.DANIEL
LECTURER IN MATHEMATICS, UNIVERSITY COLLEGE OF
ENGINEERING, MUTTOM, THODUPUZZHA.**

BY ADVS.SRI.S.P.PARAVINDAKSHAN PILLAY

**SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND**

RESPONDENT(S):

**1. MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM -686 560,
REPRESENTED BY ITS REGISTRAR.**

**2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN 695 001.**

R1 BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

R2 BY SENIOR GOVERNMENT PLEADER SMT.LILLY LESLIE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-01-2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE NOTIFICATION NO.SFI/STAS/2076/96 DT.15/7/96
- P2: COPY OF THE NOTIFICATION IN EXT.P1 ALONG WITH THE APPLICATION FORM
- P3: COPY OF THE MEMO NO.SFI/STAS/2076/96 DT.20/10/96 THE M.G.UNIVERSITY
- P4: COPY OF THE REPRESENTATION DATED 5/11/96 SUBMITTED BY THE PETITIONER BEFORE THE VICE CHANCELLOR OF THE M.G.UNIVERSITY
- P5: COPY OF THE ORDER NO.SFI/STAS/2076/96 DT.22/2/1997 OF THE UNIVERSITY
- P6: COPY OF THE ORDER NO.SFI/STAS/2076/96 DT.31/7/98 OF THE UNIVERSITY
- P7: COPY OF THE ORDER NO.SFI/STAS/2434/97 DT.9/12/98 THE UNIVERSITY
- P8: COPY OF THE MEMO DATED 26/3/98 OF THE UNIVERSITY
- P9: COPY OF THE OFFICE ORDER DATED 18/6/98 OF THE M.G.UNIVERSITY
- P10: COPY OF THE G.O.(P)68/2000/H.EDN.DT.18/5/2000
- P11: COPY OF THE REPRESENTATION DATED 3/2/2009 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH ITS ENCLOSURES
- P12: COPY OF THE LETTER NO.9676/09/1/SFI/ADMN.DT.2/6/2009 OF THE UNIVERSITY
- P13: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE UNIVERSITY DATED NIL.
- P14: COPY OF THE LETTER NO.9676/09/SFI/ADMN.DT.3/12/2009 OF THE UNIVERSITY
- P15: COPY OF THE ORDER NO.SFI/STAS/5538/2001 DT.5/9/2002 OF THE UNIVERSITY
- P16: COPY OF THE ORDER NO.SFI/UCET/6098/2001 DATED 12/12/2001 OF THE REGISTRAR OF THE M.G.UNIVERSITY
- P17: COPY OF THE ORDER NO.SFI/UCET/6098/2001 DATED 12/12/2001 OF THE REGISTRAR OF THE M.G.UNIVERSITY
- P18: COPY OF THE UNIVERSITY ORDER NO.SFI 1/STAS/2076A/96 DATED 10/7/96

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- P19: COPY OF THE JUDGMENT DATED 31/5/2005 IN WA.NO.3639/2001 OF THIS HONOURABLE COURT.**
- P20: COPY OF THE LETTER NO.AICTE/SWEO/RTI-CELL/2013/17919 DATED 15/2/2013 OF THE DIRECTOR AND PUBLIC INFORMATION OFFICER OF THE AICTE, ALONG WITH ITS ENCLOSURES**
- P20(A): COPY OF THE APPLICATION UND THE RIGHT TO INFORMATION ACT SUBMITTED BY THE PETITIONER**
- P21: COPY OF THE RLEVANT EXTRACT OF THE FORMAT FOR COMPLIANCE REPORT FOR THE YEAR 2008-09 TO BE SUB MITTED B Y THE 1ST RESPONDENT TO THE AICTE**
- P22: COPY OF THE ORDER NO.SFI/STAS/807/99 DATED 13/3/2000 OF THE 1ST RESPONDENT**
- P23: COPY OF THE ORDER NO.SFI/STAS/MCA/1748/97 DATED 15/5/98**
- P24: COPY OF THE UNIVESRISTY ORDER NO.SFI/STAS/5538/2001 DATED 5/9/2002 ALONG WITH THE RELEVANT EXTRACT OF ITS ANNEXURE**
- P25: COPY OF THE ORDER NO.SFI/STAS/UCET/2328/99 DASTED 20/6/2000**
- P26: COPY OF THE ORDER NO.SFI/STAS/UCET/2328/99 DASTED 14/9/2000**
- P27: COPY OF THE NOTIFICATION NO.SFI/STAS/UCET/2098/97 DASTED 10/3/98**
- P28: COPY OF THE UNIVERSITY ORDER NO.1318/SFI/2010/ADMN. DATED 16/3/2010 ALONG WITH THE RELEVANT EXTRACT OF THE SPECIAL RULES.**
- P29: COPY OF THE JUDGMENT DATED 25/11/2010 IN WPC.NO20649/2009 OF THIS HONOURABLE COURT.**

RESPONDENTS' EXHIBIT

/ TRUE COPY /

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.5032/2010**  
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Dated this the 31st day of January, 2014

JUDGMENT

- 1) Learned counsel for the petitioner and the learned Standing Counsel for the first respondent submits that the issue raised in the writ petition is covered by the Judgment in O.P.No.3818/2003 dated 08/01/2014.
- 2) In the light of the Judgment in O.P.No.3818/2003, Exts.P12 and P14 are set aside. The petitioner will be entitled for all the benefits which are extended to the petitioners in O.P.No.3818/2003. It is declared that the petitioner is a regularly appointed permanent teacher of the University, appointed against substantive post created by the University. Consequently, the petitioner will be entitled for all the service benefits in accordance with law including promotion and, such

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reliefs shall be given to the petitioner within a period of two months from the date of receipt of a copy of this Judgment.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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