



2025:KER:31076

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

RP NO. 204 OF 2025

AGAINST THE JUDGMENT IN WP(C) NO.38005 OF 2024 OF HIGH COURT
OF KERALA

REVIEW PETITIONER/PETITIONER

DR. DEEPA R
AGED 51 YEARS
W/O. SRI A.J.MUHAMMED SHAFEER,
ASSISTANT LIBRARIAN GRADE-II,
M.G.UNIVERSITY, KOTTAYAM,
KERALA,
RESIDING AT M.G.UNIVERSITY STAFF QUARTERS,
NO.PERIYAR 312, ATHIRAMPUZHA,
KOTTAYAM., PIN - 686560

BY ADVS.
SRI.T.C.GOVINDASWAMY
SMT.KALA T.GOPI
SMT.MAMATHA S. ANILKUMAR
SMT.ANNA REJI

RESPONDENTS/RESPONDENT:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT,
STATE SECRETARIAT, THIRUVANANTHAPURAM.,
PIN - 682031
- 2 MAHATMA GANDHI UNIVERSITY
KERALA, PRIYADARSHINI HILLS.P.O.
KOTTAYAM. REPRESENTED BY ITS REGISTRAR,
PIN - 686560



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- 3 REGISTRAR
M.G.UNIVERSITY, KERALA,
PRIYADARSHINI HILLS.P.O.,
KOTTAYAM., PIN - 686560
- 4 THE DEPUTY REGISTRAR-2(ADMINISTRATION)
THE M.G.UNIVERSITY, KERALA,
PRIYADARSHINI HILLS.P.O.
KOTTAYAM., PIN - 686560
- 5 SALAHUDEEN PUTHU OTAYIL
S/O ALIYATH A.P., AGED 55 YEARS,
WORKING AS ASSISTANT LIBRARIAN GRADE II,
SECTION HEAD, ELECTRONIC THESIS DEPARTMENT
(ETD), M.G.UNIVERSITY LIBRARY, P.D.HILLS,
ATHIRAMPUZHA, KOTTAYAM (DISTRICT),
RESIDING AT AZEENA MANZIL,
NADAKKAL.P.O., ERATTUPETTA,
KOTTAYAM DISTRICT., PIN - 686560

BY ADVS.

SRI.REJI MATHEW M-R5

SRI.N.SAJU THOMAS(K/1522/1995)

SRI.MATHEWS K. NELLUVELY(K/000353/2022)

SRI.MATHEW VARGHESE(K/001340/2019)

SRI.JOEL REJI MATHEW(K/003780/2023)

SRII.ANDREW MATHEWS(K/002994/2024)

SRI.V.VENUGOPAL, GOVERNMENT PLEADER,R1

SRI.SURIN GEORGE IPE, STANDING COUNSEL-R2-R4

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
20.03.2025 AND THE COURT ON 11.04.2025 DELIVERED THE
FOLLOWING:



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N. NAGARESH, J.

.....

R.P. No.204 of 2025
in
W.P.(C) No.38005 of 2024

.....

Dated this the 11th day of April, 2025

ORDER

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The writ petitioner in W.P.(C) No.38005/2024 is before this Court in review alleging errors apparent on the face of the records of the case.

2. The writ petition was filed as the writ petitioner was aggrieved by the action of the respondents in withdrawing the benefit of Kerala State Scale of Pay and forcing her to accept the UGC Scale of Pay, contrary to the petitioner's choice.

3. This Court, after hearing the parties, came to the conclusion that the petitioner had voluntarily opted to come



over the UGC Scheme as is evident from Ext.P2 option and once the option is accepted, the petitioner could not have taken a contrary stand. This Court held that the petitioner's request to come over to the State Scheme is not legally sustainable as the petitioner has no legal right to revert back. Accordingly, the writ petition was dismissed.

4. Now, in this review petition, the petitioner contends that this Court proceeded on a presumption that the petitioner voluntarily opted UGC pay scales. This Court failed to notice the terms of Ext.P32. This Court failed to take note of Exts.P31 and P32.

5. The review petitioner further urged that this Court failed to notice that in Ext.P5 judgment, there is a specific direction to consider the petitioner's request, without acceding to her request for switch over to the UGC Scheme. This Court proceeded on the erroneous assumption that the issue in question was covered by the judgments in W.P.(C) No.8669/2007 and W.P.(C) No.8870/2019. The said



judgments are not applicable to the facts of the petitioner's case.

6. The review petitioner further alleged that this Court failed to notice that the petitioner was never brought over to the scale of pay attached to the post of Assistant Librarian either in the State Scheme or in the UGC Scheme. Therefore, the judgment in W.P.(C) No.38005/2024 is liable to be reviewed, urged the petitioner.

7. Heard.

8. Going through the pleadings in the review petition, writ petition and the judgment dated 17.12.2024 in W.P.(C) No.38005/2024, I find that the qualifications possessed by the petitioner were noted by this Court. The Syndicate Meeting held on 02.09.2021 decided to revert the petitioner from the UGC Scheme. But, subsequently, it was directed to grant State Scale of Pay to the petitioner. It was taking note of all the afore facts that the writ petition was dismissed. I do not find any error apparent on the face of the



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records warranting review of the judgment in the writ petition.

The review petition is therefore dismissed. However, it is made clear that this will be without prejudice to the right of the petitioner to approach this Court for any benefits arising out of the UGC Rules, Regulations or Schemes, to which the petitioner is entitled.

Sd/-
N. NAGARESH, JUDGE

aks/09.04.2025



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APPENDIX OF RP 204/2025

PETITIONER'S ANNEXURES

Annexure-A	A TRUE COPY OF THE JUDGMENT AS DOWNLOADED FROM THE WEBSITE OF THIS HON'BLE COURT IN W.P. (C)NO.38005/2024 DATED 17.12.2024
Annexure-B	A TRUE COPY OF THE ORDER BEARING NO.2859/AD A/5/2020/M..G.U DATED 26.06.2020, ISSUED BY THE 2ND RESPONDENT.
Annexure-C	A TRUE COPY OF THE ORDER BEARING NO.1922/AD A5/2025/MGU DATED 01.03.2025 ISSUED ON BEHALF OF REGISTRAR, M.G.UNIVERSITY.