

Satheesh.S vs Sreenath.S

Satheesh.S vs Sreenath.S

SooperKanoon Citation : sooperkanoon.com/1297574

Court : Kerala

Decided On : Mar-21-2024

Judge : Honourable Mr. Justice Amit Rawal, Honourable Mrs. Justice C.S. Sudha

Appeal No. : WA/1379/2020

Appellant : Satheesh.S

Respondent : Sreenath.S

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1266 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.1366 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/PETITIONERS 1 TO 3, 7 & 8 IN THE WRIT PETITION:

1 VINOD V. AGED 40 YEARS S/O.K.VISWAMBHARAN, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT 3F, TOWER-6, ASSET SIGNATURE, MENAMKULAM, KAZHAKKOOTAM, THIRUVANANTHAPURAM - 695 582. 2 SUJEENDRA Y.S. AGED 41

YEARS S/O.G.SURENDRAN, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT SURABHI, VADAKKEKOTTA, NEYYATTINKARA P.O., THIRUVANANTHAPURAM - 695 121. 3 MANJUSHA R. AGED 38 YEARS W/O.B.MURALI, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT FLAT NO.III, JOURNALIST COLONY, NCC NAGAR, PEROORKADA, THIRUVANANTHAPURAM - 695 005. 4 RADHA DEVI S. AGED 46 YEARS W/O.JAYACHANDRAN K., SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT T.C.17/2178, ANJANAM, POOJAPPURA, THIRUVANANTHAPURAM - 695 012. 5 SREEJAMOL P. AGED 36 YEARS D/O.MOHANADAS, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT DHANUSREE, PURAVOOR, CHIRAYINKEEZHU P.O., THIRUVANANTHAPURAM - 695 304. BY ADVS.GEORGE POONTHOTTAM (SR.) SRI.RIJI RAJENDRAN SMT.NISHA GEORGE SRI.VISHNU B.KURUP SRI.A.L.NAVANEETH KRISHNAN

RESPONDENTS/RESPONDENTS & WRIT PETITIONERS 4 TO 6 IN WPC :

1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM - 695034. 2 THE VICE CHANCELLOR UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 3 DR.P.K.RADHAKRISHNAN VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 4 LYN JAMES SECTION OFFICER, CBSCC LAB, UNIVERSITY OF KERALA, 5 AJINA A.MOHAMMAD SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA, 6 LEENA JOHN SECTION OFFICER, CASH IV SECTION, UNIVERSITY OF KERALA, 7 JOSE VARGHESE SECTION OFFICER, AD. A VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 8 ANUPAMA P.S. SECTION OFFICER, AC.E.V., SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 9 BINI M.B. SECTION OFFICER,

AC. C SECTION, UNIVERSITY OF KERALA, 10 PREETHA S. SECTION OFFICER, ACCOUNTS II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 11 ABHILASH T.R. SECTION OFFICER, LEGAL ADVISORS SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 12 SUNU SATHYANANTHAN SECTION OFFICER, EE II A SECTION, UNIVERSITY OF KERALA, 13 YUSEPH M.A. SECTION OFFICER, CASH COUNTER, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581. 14 SREEJITH M.P. SECTION OFFICER ED, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034.

15 BINDU L.A. SECTION OFFICER, ED IV SECTION, UNIVERSITY OF KERALA, 16 JAYA SUDHA R.P. SECTION OFFICER, EE II G SECTION, UNIVERSITY OF KERALA, 17 ADARSH T.H. SECTION OFFICER, DEPARTMENT OF EDUCATION, UNIVERSITY OF KERALA, THYCAUD, THIRUVANANTHAPURAM - 695 014. 18 SREENATH S. SECTION OFFICER, EB IV SECTION, UNIVERSITY OF KERALA, 19 BUSHARA F. SECTION OFFICER, EE V SECTION, UNIVERSITY OF KERALA, 20 AJAY D.N. SECTION OFFICER, AC. L SECTION, UNIVERSITY OF KERALA, 21 RAJANIKANTH SECTION OFFICER, EG XI B SECTION, UNIVERSITY OF KERALA, 22 DEVIKA NATH R. SECTION OFFICER, AUDIT IA SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 23 ABHILASH R.V. SECTION OFFICER, ASC, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581. 24 ANIL KUMAR D. SECTION OFFICER, NSS SECTION, UNIVERSITY OF KERALA, 25 SAJUMAL T.S. SECTION OFFICER, EG I SECTION, UNIVERSITY OF KERALA, 26 REJANI PRAKASH R. SECTION OFFICER, CAMP AUDIT, UNIVERSITY OF KERALA, 27 RANJINI R. SECTION OFFICER, EF II SECTION, UNIVERSITY OF KERALA, 28 SHANI S. SECTION OFFICER, AC F II SECTION, UNIVERSITY OF KERALA, 29 SHIBI R. SECTION OFFICER, EE VII SECTION,

UNIVERSITY OF KERALA,

30 SEREEJITH G.S. SECTION OFFICER, ADDL. BIV (CP) SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 31 BEENA S.G. SECTION OFFICER, M AND C II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 32 RENJITH SEKHAR R. SECTION OFFICER, QPR SECTION, UNIVERSITY OF KERALA, 33 SOUMYA S. SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA, 34 NAZEERA BEEVI H. SECTION OFFICER, SDE ACAD II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 35 JAFFAR KHAN T. SECTION OFFICER, PLANNING D SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 36 BIJAY KRISHNA T.S.M. SECTION OFFICER, FINANCE III SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 37 JITHA V.L. AGED 38 YEARS, W/O.SANAL D.PREM, SECTION OFFICER, EF SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT SAJITHA, TC THIRUVANANTHAPURAM - 695 025. 38 AYSHA N. AGED 45 YEARS, W/O.SAJU S., SELECTION GRADE ASSISTANT, AC.AIII SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT ANESS, PARIPALLY P.O., KOLLAM - 691 574. 39 RAJANI R. AGED 38 YEARS, W/O.PRADEEP P., SELECTION GRADE ASSISTANT, EB VIII SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT MYLAMOOTIL VEEDU, VATTATHAMARA P.O., KADAKKAL, KOLLAM - 691 536. BY ADVS.SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA, R1 & R2 SRI.S.P.ARAVINDAKSHAN PILLAY, R25 SRI.ALEX.M.SCARIA, FOR R30 SMT.N.SANTHA, R25 SRI.V.VARGHESE SRI.PETER JOSE CHRISTO, R25 SRI.S.A.ANAND, R25 SMT.K.N.REMYA, R25

SMT.L.ANNAPOORNA, R25 SRI.B.UNNIKRISHNA KAIMAL FOR R8, R18, R28 SRI.V.MADHUSUDHANAN FOR R8, R18, R28 THIS WRIT

APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1267/2020, 1270/2020 AND CONNECTED CASES, THE COURT ON 21.3.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1267 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.6297 OF 2019 OF HIGH COURT OF KERALA APPELLANTS/THIRD PARTIES:

1 VINOD V. AGED 40 YEARS S/O.K.VISWAMBHARAN, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT 3F, TOWER-6, ASSET SIGNATURE, MENAMKULAM, KAZHAKOOTAM, THIRUVANANTHAPURAM - 695 582. 2 SUJEENDRA Y.S. AGED 41 YEARS S/O.G.SURENDRAN, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT SURABHI, VADAKKEKOTTA, NEYYATTINKARA P.O., THIRUVANANTHAPURAM - 695 121. 3 MANJUSHA R. AGED 38 YEARS W/O.B.MURALI, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT FLAT NO.III, JOURNALIST COLONY, NCC NAGAR, PEROORKADA, THIRUVANANTHAPURAM - 695 005. 4 RADHA DEVI S. AGED 46 YEARS W/O.JAYACHANDRAN K., SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT T.C.17/2178, ANJANAM, POOJAPPURA, THIRUVANANTHAPURAM - 695 012. 5 SREEJAMOL P. AGED 36 YEARS D/O.V.MOHANADAS, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT DHANUSREE, PURAVOOR, CHIRAYINKEEZHU P.O., THIRUVANANTHAPURAM - 695 304. BY ADVS.GEORGE POONTHOTTAM (SR.) SRI.ARUN CHANDRAN SMT.NISHA GEORGE SRI.A.L.NAVANEETH KRISHNAN

RESPONDENTS/RESPONDENTS & WRIT PETITIONERS:

1 UNIVERSITY OF KERALA REPRESENTED BY THE REGISTRAR, UNIVERSITY CAMPUS, THIRUVANANTHAPURAM - 695 034. 2 THE VICE CHANCELLOR UNIVERSITY OF KERALA, UNIVERSITY CAMPUS, THIRUVANANTHAPURAM - 695 034. 3 AJINI KARAN W/O.VAMADEVAN, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT T.C.14/1505-5, KANNAMOOLA, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM. 4 BIJU M.L. S/O.P.MADHAVAN NAIR, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT MALEE, KSRA-68, NEAR VV CLINIC, ATTINGAL. 5 JOSE VARGHESE AGED 48 YEARS, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 6 ANUPAMA P.S. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 7 SONU SATHYANATHAN SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 8 BINDU L.A. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 9 JAYASUDHA R.P. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 10 ADARSH T.H. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 11 RANAJIKANTH V. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 12 ABILASH R.V. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 13 SHANI S. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM. 14 SOUMYA S. SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM.

BY ADV SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA, R1 & R2 THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.3.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1270 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.1366 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/PETITIONERS 4 TO 6 IN WPC:

1 JITHA V. L. AGED 36 YEARS W/O. SANAL D. PREM, SECTION OFFICER, EF SECTION UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT 'SAJITHA' TC 3/703(3), SGRA - 59, TKD ROAD, MUTTADA P. O., THIRUVANANTHAPURAM - 695 025. 2 AYSHA N. AGED 43 YEARS W/O. SAJU S., SELECTION GRADE ASSISTANT, AC AIII SECTION (NOW WORKING AS SECTION OFFICER, CBCS BA VI SECTION), UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT ANESS, PARIPALLY P. O., KOLLAM - 691 574. 3 RAJANI R. AGED 36 YEARS W/O. PRADEEP P., SELECTION GRADE ASSISTANT, EB VIII SECTION (NOW WORKING AS SECTION OFFICER, EE II C SECTION), UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT MYLAMOOTIL VEEDU, VATTATHAMARA P. O., KADAKKAL, KOLLAM - 691 536. BY ADVS.P.NANDAKUMAR SRI.S.ANEESH SMT.AMRUTHA SANJEEV

RESPONDENTS/RESPONDENTS AND PETITIONERS 1 TO 3 AND 7 AND 8 IN WPC: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM - 695 034. 2 THE VICEW CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034.

3 DR. P. K. RADHAKRISHNAN VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 4 LYN JAMES SECTION OFFICER, CBCSS LAB, UNIVERSITY OF KERALA, 5 AJINA A. MOHAMMAD SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA, 6 LEENA JOHN SECTION OFFICER, CASH

IV SECTION, UNIVERSITY OF KERALA, 7 JOSE VARGHES SECTION OFFICER, AD. A VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 8 ANUPAMA P. S. SECTION OFFICER, AC. E.V. SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 9 BINI M. B. SECTION OFFICER, AC. C SECTION, UNIVERSITY OF KERALA, 10 PREETHA S. SECTION OFFICER, ACCOUNT II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 11 ABHILASH T. R. SECTION OFFICER, LEGAL ADVISOR'S SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 12 SUNU SATHYANATHAN SECTION OFFICER, EE II A SECTION, UNIVERSITY OF KERALA, 13 YUSEPH M. A. SECTION OFFICER, CASH COUNTER, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581. 14 SREEJITH M. P. SECTION OFFICER, ED, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 15 BINDU L. A. SECTION OFFICER, ED IV SECTION, UNIVERSITY OF KERALA, 16 JAYA SUDHA R. P. SECTION OFFICER, EE II G SECTION, UNIVERSITY OF KERALA, 17 ADARSH T. H. SECTION OFFICER, DEPARTMENT OF EDUCATION, UNIVERSITY OF KERALA, THYCAUD, THIRUVANANTHAPURAM - 695 014.

18 SREENATH S. SECTION OFFICER, EB IV SECTION, UNIVERSITY OF KERALA, 19 BUSHARA F. SECTION OFFICER, EE V SECTION, UNIVERSITY OF KERALA, 20 AJAY D. N. SECTION OFFICER, AC. L. SECTION, UNIVERSITY OF KERALA, 21 RAJANIKANTH SECTION OFFICER, EG XI B SECTION, UNIVERSITY OF KERALA, 22 DEVIKA NATH R. SECTION OFFICER, AUDIT IA SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 23 ABHILASH R. V. SECTION OFFICER, ASC, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581. 24 ANIL KUMAR D. SECTION OFFICER, NSS SECTION, UNIVERSITY OF KERALA, 25 SAJUMAL T. S. SECTION OFFICER, EG I SECTION,

UNIVERSITY OF KERALA, 26 REJANI PRAKASH R. SECTION OFFICER, CAMP. AUDIT, UNIVERSITY OF KERALA, 27 RANJINI R. SECTION OFFICER, EF II SECTION, UNIVERSITY OF KERALA, 28 SHANI S. SECTION OFFICER, AC F II SECTION, UNIVERSITY OF KERALA, 29 SHIBI R. SECTION OFFICER, EE VII SECTION, UNIVERSITY OF KERALA, 30 SEREEJITH G. S. SECTION OFFICER, ADDL. BIV (CP) SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 31 BEENA S. G. SECTION OFFICER, M AND C II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 32 RENJITH SEKHAR R. SECTION OFFICER, QPR SECTION, UNIVERSITY OF KERALA,

33 SOUMYA S. SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA, 34 NAZEERA BEEVI H. SECTION OFFICER, SDE ACAD II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 35 JAFFAR KHAN T. SECTION OFFICER, PLANNING D SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM - 695 034. 36 BIJAY KRISHNA T. S. M. SECTION OFFICER, FINANCE III SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM - 695 034. 37 VINOD V. AGED 40 YEARS S/O. K. VISWAMBHARAN, SELECTION GRADE ASSISTANT, M AND C II SECTION (NOW WORKING AS SECTION OFFICER), UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034., RESIDING AT 3F, TOWER - 6, ASSET SIGNATURE, MENAMKULAM, KAZHAKKOOTAM, THIRUVANANTHAPURAM - 695 582. 38 SUJEENDRA Y. S. AGED 41 YEARS S/O. G. SURENDRAN, ADMINISTRATIVE OFFICER, DEPARTMENT OF AQUATIC BIOLOGY, (NOW WORKING AS SECTION OFFICER), UNIVERSITY OF KERALA, KARYAVATTOM, THIRUVANANTHAPURAM - 695 581, RESIDING AT SURABHI, VADAKKEKOTTA, NEYYATTINKARA P. O., THIRUVANANTHAPURAM - 695 121. 39 MANJUSHA R. AGED 38 YEARS W/O. B. MURALI, SELECTION GRADE ASSISTANT, EEII H

SECTION (NOW WORKING AS SECTION OFFICER), UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034., RESIDING AT FLAT NO.III, JOURNALIST COLONY, NCC NAGAR, PEROORKADA, THIRUVANANTHAPURAM - 695 005. 40 RADHA DEVI S. AGED 46 YEARS W/O. JAYACHANDRAN K., SELECTION GRADE ASSISTANT, AD. BI SECTION (NOW WORKING AS SECTION OFFICER), UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034., RESIDING AT T.C.17/2178, ANJANAM, POOJAPPURA, THIRUVANANTHAPURAM - 695 012. 41 SREEJAMOL P. AGED 36 YEARS D/O. V. MOHANADAS, RESIDING AT DHANUSREE, PURAVOOR, CHIRAYINKEEZHU P. O., THIRUVANANTHAPURAM - 695 304. BY ADVS.SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA-R1 & R2

SRI.B.UNNIKRISHNA KAIMAL-R8, R12, R13, R16, R17, R18, R21, R28, R29 SRI.S.P.ARAVINDAKSHAN PILLAY-R25 SRI.V.MADHUSUDHANAN-R8,R12,R13,R16,R17,R18,R21,R28,R29 SMT.N.SANTHA, R25 SRI.V.VARGHESE, R25 SRI.PETER JOSE CHRISTO, R25 SRI.S.A.ANAND, R25 SMT.K.N.REMYA, R25 SMT.L.ANNAPOORNA, R25 THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.03.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.3.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1287 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.5731 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/PETITIONERS:

1 AJINI KARAN, AGED 44 YEARS W/O. VAMADEVAN, ASSISTANT (SELECTION GRADE), LEGAL SECTION, UNIVERSITY OF KERALA,

PALAYAM, THIRUVANANTHAPURAM-695 034, RESIDING AT TVC 14/1505-5, KANNAMMOOLA, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM 2 BIJU.M.L. S/O. P.M.MADHAVAN NAIR, ASSISTANT (SELECTION GRADE), AUDIT-II, ADMINISTRATIVE UNIT, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM-695 581, RESIDING AT MALEE KSRA-68, NEAR VV CLINIC, ATTINGAL 3 BEENA.L., W/O. SURESH BABU.V., SECTION OFFICER, SICC (SOPHISTICATED INSTRUMENTATION AND COMPUTATION CENTRE), UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM-695 581, RESIDING AT SREERAGAM, KAILAS NAGAR II-1, KAZHAKUTTOM 4 DIVYA DINESH, W/O. BIJUNATH GOPINATHAN, ADMINISTRATIVE OFFICER 9SECTION OFFICER), DEPARTMENT OF MALAYALAM, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM -695 581, RESIDING AT SIVAM, KANNETTUVILA, KATHAIKKONAM P.O., THIRUVANANTHAPURAM-695 584 BY ADVS.M.SREEKUMAR SMT.V.P.SEEMANDINI (SR.)

RESPONDENTS/RESPONDENTS: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM-695 034

2 THE VICE-CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 3 LYN JAMES SECTION OFFICER, CBCSS LAB, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 4 AJINA.A.MOHAMMAD SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 5 LEENA JOHN, SECTION OFFICER, CASH IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 6 JOSE VARGHESE, SECTION OFFICER, AD.A.VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 7 ANUPAMA.P.S SECTION OFFICER, AC.EV. SECTION, UNIVERSITY OF KERALA, PALAYAM,

THIRUVANANTHAPURAM-695 034 8 BINI.M.B., SECTION OFFICER, AC.C SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 9 PREETHA.S., SECTION OFFICER, ACCOUNTS II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 10 ABHILASH.T.R., SECTION OFFICER, LEGAL ADVISORS SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 11 SUNU SATHYANATHAN, SECTION OFFICER, EE IIA SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 12 YUSEPH.M.A., SECTION OFFICER, CASH COUNTER, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM-695 581 13 SREEJITH M.P., SECTION OFFICER, ED, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 14 BINDHU.L.A., SECTION OFFICER, ED IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 15 JAYA SUDHA R.P., SECTION OFFICER, EE II G SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 16 ADARSH.T.H. SECTION OFFICER, DEPARTMENT OF EDUCATION, UNIVERSITY OF KERALA, THYCAUD, THIRUVANANTHAPURAM-695 014

17 SREENATH.S., SECTION OFFICER, EB IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 18 BUSHARA .F., SECTION OFFICER, EE V SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 19 AJAY.D.N., SECTION OFFICER, AC.L SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 20 RAJANIKATH SECTION OFFICER, EX XI B SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 21 DEVIKA NATH .R., SECTION OFFICER, AUDIT IA SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 22 ABHILASH R.V., SECTION OFFICER, ASC, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM-695

581 23 ANIL KUMAR.D., SECTION OFFICER, NSS SECTION,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034 24 SAJUMAL T.S. SECTION OFFICER, EG I SECTION,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034 25 REJANI PRAKASH .R. SECTION OFFICER, CAMP. AUDIT,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034 26 RAJANI.R., SECTION OFFICER, EF II SECTION, UNIVERSITY
OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 27
SHANI.S., SECTION OFFICER, AC.F.II SECTION, UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 28 SHIBI.R.
SECTION OFFICER, EE VII SECTION, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM-695 034 29 SREEJITH.G.S.
SECTION OFFICER, ADDL.BIV (CP) SECTION, UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 30
BEENA.S.G., SECTION OFFICER, M AND C II SECTION, UNIVERSITY
OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 31
RENJITH SEKHAR.R. SECTION OFFICER, QPR SECTION,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034

32 SOUMYA S. SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 33 NAZEERA
BEEVI.H., SECTION OFFICER, SDE ACAD II SECTION, UNIVERSITY
OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 34
ABHILASH.S. SECTION OFFICER, EA III SECTION, UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 35
FAZEELA.L., ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 36 BABITHA
SAIRA MATHEW, ASSISTANT (SELECTION GRADE), UNIVERSITY
OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 37
DEEPA SREEKANTAN.G., ASSISTANT (SELECTION GRADE),
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034 38 ASHA.B., ASSISTANT (SELECTION GRADE), UNIVERSITY OF

KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 39 RESHMI
RAJAGOPALAN, ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 40
SANGEETHA.K.M. ASSISTANT (SELECTION GRADE), UNIVERSITY
OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 41
LINI.D.L. ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 42
PREETHI.P.K. ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 43 RAJEEV
SUDHAKARAN ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 44 VINOD
KUMAR.S., ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 45
RENJITH.P., ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 46 BINOY
MATHEW, ASSISTANT (SELECTION GRADE), UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034

47 ARUNA GOPALAKRISHNAN ASSISTANT (SELECTION GRADE),
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034 48 JAFFAR KHAR.T., SECTION OFFICER, PLANNING D
SECTION, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034 49 BIJAY KRISHNA.T.S.M,
SECTION OFFICER, FINANCE III SECTION, UNIVERSITY OF
KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 BY
ADVS.SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA, R1 &
R2 SRI.S.P.ARAVINDAKSHAN PILLAY SMT.N.SANTHA
SRI.V.VARGHESE SRI.PETER JOSE CHRISTO
R3,R5,R9,R10,R13,R21, SRI.S.A.ANAND R24, R26, R30,R33
SMT.K.N.REMYA SMT.L.ANNAPOORNA SRI.V.MADHUSUDHANAN,
R6, R11, R17, R27,R7 B.UNNIKRISHNA KAIMAL, R6, R11, R17,
R27,R7

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.03.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.3.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1379 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.9290 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 37 & 38: 1 SATHEESH.S AGED 43 YEARS SECTION GRADE ASSISTANT, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 2 SHIBU MATHEW SELECTION GRADE ASSISTANT, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034 BY ADV M.R.ANISON RESPONDENTS/WRIT PETITIONERS & RESPONDENTS 1 TO 36 AND 39 TO 42:

1 SREENATH.S SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 2 YUSEPH M.A. SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 3 AJINA A.MOHAMMED SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 4 REJANI PRAKASH R. SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 5 SHIBI R. SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 6 RENJITH SEKHAR R. SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034

7 UNIVERSITY OF KERALA REP.BY ITS REGISTRAR, THIRUVANANTHAPURAM-695 034 8 THE VICE CHANCELLOR UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 9 ANUPAMA V.T. SELECTION GRADE ASSISTANT, CONTROLLER OF

EXAMINATIONS BUILDING, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034 10 AJINI KARAN
W/O.VAMADEVAN, ASSISTANT (SELECTION GRADE), LEGAL
SECTION, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034. RESIDING AT TC 14/1505-5,
KANNAMOOLA, MEDICAL COLLAGE P.O., THIRUVANANTHAPURAM-
11 BIJU M.L. S/O.P.MADHAVAN NAIR, ASSISTANT (SECTION
GRADE), AUDIT- II, ADMINISTRATIVE UNIT, UNIVERSITY OF
KERALA,KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM- 695
581, RESIDING AT MALEE KSRA-68, NEAR W CLINIC, ATTINGAL-695
12 BEENA L. W/O.SURESH BABU V., SECTION OFFICER, SICC
(SOPHISTICATED INSTRUMENT AND COMPUTATION CENTRE),
UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS,
THIRUVANANTHAPURAM-695 581, NOW RESIDING AT
'SREERAGAM', KAILAS NAGAR II-I, KAZHAKKUTTOM- 695 582 13
DIVYA DINESH W/O.BIJUNATH GOPINATHAN, ADMINISTRATIVE
OFFICER(SECTION OFFICER), DEPARTMENT OF MALAYALAM,
UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS,
THIRUVANANTHAPURAM-695 581, NOW RESIDING AT 'SIVAM',
KANNETTUVILA, KATHAIKKONAM P.O., THIRUVANANTHAPURAM-
695 584 14 GIREEESH R.G. AGED 42, YEARS, S/O.G.RAVI, SECTION
OFFICER, EJ-X. UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034, RESIDING AT KEMRA 31(A),
KRISHNAGIRI, JAGATHY, THIRUVANANTHAPURAM-695 014 15
JAFFARKHAN T. SECTION OFFICER, PLANNING D. SECTION,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 16
BIJAY KRISHNA T.S.M. SECTION OFFICER, FINANCE III SECTION,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 17
BIJUDAS C.S. SECTION OFFICER, FINANCE III SECTION,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034

18 REMYA P.J. SECTION OFFICER, EGV SECTION, UNIVERSITY OF
KERALA, THIRUVANANTHAPURAM-695 034 19 SINDHU P.S.

SECTION OFFICER, ACCOUNTS VI B SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 20 INDU V.G. SECTION OFFICER, AUDIT I SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 21 KAVITHA V. SECTION OFFICER, ACCOUNTS V B SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 22 JAYARAJ J. SECTION OFFICER, PLANNING A I SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 23 RAJESH S. SECTION OFFICER, DEPARTMENT OF MATHEMATICS, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 24 ASWATHY L.V. SECTION OFFICER, AD. BII SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 25 DIVYA G.S. SECTION OFFICER, AD B IV SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 26 ABILASH A.K. SECTION OFFICER, ELECTION SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 27 DHANYA K. SECTION OFFICER, EH SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 28 SONA RANI A.S. SECTION OFFICER, DEPARTMENT OF LIBRARY AND INFORMATION SCIENCE, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 29 BINDU E. SECTION OFFICER, CE'S SECTION-1, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 30 ANISHA KUMARI R.S. SECTION OFFICER, DEPARTMENT OF BIO-CHEMISTRY, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 31 MEERA D.N. SECTION OFFICER, ES IX SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 32 SARIKA P.R. SECTION OFFICER, EE II L SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034

33 DEEPA FRANCIS PRAKASH SECTION OFFICER, AUDIT V SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 34 MEENA S. SECTION OFFICER, EB I SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 35 SMITHA J.S.

SECTION OFFICER, M AND C I SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 36 RAJI R. SECTION OFFICER, ES V SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 37 SARITHA J.N. SECTION OFFICER, EE II J SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 38 ANEES M.A. SECTION OFFICER, DEPARTMENT OF LAW, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 39 NISHA A. SECTION OFFICER, EB V SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 40 SMITHA S. NAIR SECTION OFFICER, DEPARTMENT OF OPTO-ELECTRONICS, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 41 SARA SUSAN ABRAHAM SECTION OFFICER, EG VI B SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034 42 SREEJITH K.G. AGED 39 YEARS, S/O.G.GOPALAN PILLAI, SREENILAYAM, VETTIYARA P.O., NAVAIKULAM, THIRUVANANTHAPURAM-695 603 43 VINOD V. AGED 40 YEARS, S/O.K.VISWAMBHARAN, SELECTION GRADE ASSISTANT M AND C II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034, RESIDING AT 4F, TOWER - 6, ASST.SIGNATURE, MENAMKULAM, KZHAKKOOTAM, THIRUVNANTHAPURAM-695 582 44 ANUPAMA V.T. AGED 38 YEARS, W/O.RANJITH M., ASSISTANT SELECTION GRADE EB VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-043, RESIDING AT VIJAYA VILAS, KURUMANDAL, PARAVUR P.O., KOLLAM-691 301 45 AYUSHA N. AGED 43 YEARS, W/O.SAJU S., SELECTION GRADE ASSISTANT AC AIII SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-034, RESIDING AT ANESS, PARIPALLY P.O., KOLLAM - 691 574

46 MANJUSHA R. AGED 38 YEARS, W/O.B.MURALI, SELECTION GRADE ASSISTANT EEEII H SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-034, RESIDING AT FLAT NO.III,

JOURNALIST COLONY, NCC NAGAR, PEROORKADA, THIRUVNANTHAPURAM-695 005 BY ADVS.SRI.B.UNNIKRISHNA KAIMAL, R1 to R6 SRI.V.MADHUSUDHANAN, R1 TO R6 SRI.T.ISSAC, R1 TO R6 SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA, R7 & R8 SRI.P.N.RAJAGOPALAN NAIR, R42 SRI.P.S.GIREESH, R42 SRI.RIYAL DEVASSY, R42 SRI.B.ASHOK SHENOY, R42 SRI.K.V.GEORGE, R42

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1428 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.4267 OF 2020 OF HIGH COURT OF KERALA APPELLANT/RESPONDENT: UNIVERSITY OF KERALA, REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM-695034. BY ADV SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA RESPONDENT/PETITIONER: SREEJITH, AGED 39 YEARS S/O.SHIVARAMA PILLAI.V, KOIPALLIL HOUSE, MUTHUKULAM SOUTH MURI, MUTHUKULAM VILLAGE, WORKING AS ASSISTANT-UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695034. THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST

DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1430 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.1366 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 1 AND 2: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, OFFICE OF THE UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, 2 THE VICE CHANCELLOR UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, BY ADV THOMAS ABRAHAM RESPONDENTS/PETITIONERS AND RESPONDENTS 3 TO 34 AND ADDITIONAL RESPONDENTS 35 AND 36:

1 VINOD V., S/O. VISWAMBHARAN, SELECTION GRADE ASSISTANT M AND C II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, RESIDING AT 3F, TOWER - 6, ASSET SIGNATURE, MENAMKULAM, KAZHAKKOOTTAM, THIRUVANANTHAPURAM - 695582. 2 SUJEENDRA Y.S AGED 41 YEARS S/O. SURENDRAN, ADMINISTRATIVE OFFICER, DEPARTMENT OF AQUATIC BIOLOGY, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, RESIDING AT SURABHI, VADAKKEKOTTA, NEYATINKARA P O, THIRUVANANTHAPURAM - 695121. 3 MANJUSHA AGED 38 YEARS W/O. B. MURALI, SELECTION GRADE ASSISTANT, EEII H SECTION, UNIVERSITY OF KERALA, PALAYAM- 695034, RESIDING AT FLAT NO. III JOURNALIST COLONY, NCC NAGAR, PEROORKADA, THIRUVANANTHAPURAM - 695005.

4 JITHA V.L AGED 36 YEARS W/O. SANAL D PREM, SECTION OFFICER, EF SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, RESIDING AT SAJITHA TC 3/703(3).SGRA - 59, TKD ROAD, MUTTADA PO, THIRUVANANTHAPURAM - 695025. 5 AYSHA N AGED 43 YEARS W/O. SAJU S. , SELECTION GRADE ASSISTANT, AC.AIII SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM -

695034, RESIDING AT ANESS, PARIPALLY P O, KOLLAM - 691574. 6 RAJANI R AGED 36 YEARS W/O. PRADEEP P. SELECTION GRADE ASSISTANT EB VII SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, RESIDING AT MYLAMOOTIL VEEDU, VATTATHAMARA P.O, KADAKKAL, KOLLAM - 691536. 7 RADHA DEVI AGED 46 YEARS W/O. JAYACHANDRAN K, SELECTION GRADE ASSISTANT, BI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, RESIDING AT TC/17/2178, ANJANAM, POOJAPURA, THIRUVANANTHAPURAM-695012. 8 SREEJAMOL P AGED 36 YEARS D/O. V.MOHANDAS, RESIDING AT DHANUSREE, PURAVOOR, CHIRAYINKEEZHU, P O, THIRUVANANTHAPURAM - 695304. 9 DR. P.K. RADHAKRISHNAN VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 10 LYN JAMES SECTION OFFICER, CBCSS LAB, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 11 ANJANA A MOHAMAD, SECTION OFFICER EJ IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, 12 LEENA JOHN SECTION OFFICER, CASH IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 13 JOSE VARGHESE SECTION OFFICER, AD.A VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 14 ANUPAMA P.S SECTION OFFICER, AC. E.V. SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034.

15 BINI M.B SECTION OFFICER, AC. C. SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 16 PREETHA S SECTION OFFICER, ACCOUNTS II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 17 ABILASH T.R SECTION OFFICER, LEGAL ADVISOR'S SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 18 SUNU SATHYANATHAN, SECTION OFFICER E E II A SECTION, UNIVERSITY OF KERALA,

PALAYAM, THIRUVANANTHAPURAM - 695034. 19 YUSEPH M.A SECTION OFFICER, CASH COUNTER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 20 SREEJITH M.P SECTION OFFICER ED, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034, 21 BINDU L.A SECTION OFFICER, ED IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 22 JAYASUDHA R.P SECTION OFFICER, EE II G SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 23 ADARSH T H SECTION OFFICER, DEPARTMENT OF EDUCATION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 24 SREENATH S SECTION OFFICER, EB IV SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 25 BUSHARA F SECTION OFFICER, EE V SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 26 AJAY D.N. SECTION OFFICER, AC.L SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 27 RAJAJIKATH SECTION OFFICER, EG XI B SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 28 DEVIKA NATH R SECTION OFFICER, AUDIT IA SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 29 ABILASH R V SECTION OFFICER, ASC, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695581.

30 ANIL KUMAR D SECTION OFFICER, NSS SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 31 SAJUMAL T.S SECTION OFFICER, EG I SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 32 RAJANI PRAKASH R SECTION OFFICER, CAMP AUDIT, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 33 RAJANI R SECTION OFFICER, EF II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 34 SHANI S SECTION OFFICER, AC F II SECTION, UNIVERSITY OF KERALA, PALAYAM,

THIRUVANANTHAPURAM - 695034. 35 SHIBI R SECTION OFFICER, EE VII SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 36 SREEJITH G.S. SECTION OFFICER, ADDL, BIV(CP) SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 37 BEENA S G. SECTION OFFICER, M AND C II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 38 RENJITH SEKHAR R SECTION OFFICER, QPS SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 39 SOUMYA S SECTION OFFICER, EJ VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 40 NAZEERA BEEVI H SECTION OFFICER, SDE ACAD II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 41 JAFFAR KHAN T SECTION OFFICER, PLANNING D SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. 42 BIJAY KRISHNA T S M, SECTION OFFICER, FINANCE III SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695034. BY ADVS.NANDAKUMAR P, R4 TO 46 SRI.S.P.ARAVINDAKSHAN PILLAY, R31 SMT.N.SANTHA, R31 SRI.V.VARGHESE, R31 SRI.PETER JOSE CHRISTO, R31 SRI.S.A.ANAND, R31 SMT.K.N.REMYA, R31

SMT.L.ANNAPOORNA, R31 SRI.VIVEK VIJAYAKUMAR(K/1018/2016), R4 TO R6 SRI.AMRUTHA SANJEEV(K/001000/2016), R4 TO R6 SRI.K.G. DEVIPRIYA(K/001342/2022), R4 TO R6 SRI.UNNIKRISHNA KAIMAL, R14, R24, R34 SRI.V.MADHUSUDHANAN, R14, R24, R34 SRI.ALEX.M.SCARIA, R36 THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1437 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.4755 OF 2019 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 1 AND 2: 1 UNIVERSITY OF KERALA, REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM-695 034. 2 THE VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. BY ADV THOMAS ABRAHAM RESPONDENTS/PETITIONERS AND ADDITIONAL RESPONDENTS 3 AND 4:

1 LYN JAMES, AGED 35 YEARS, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 2 LEENA JOHN, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 3 S. PREETHA, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 4 T.R. ABILASH, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 5 M.P. SREEJITH, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 6 R. DEVIKA NATH, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034.

7 T.S. SAJUMAL, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 8 R. RENJINI, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 9 S.G. BEENA, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 10 NAZEERA BEEVI, SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695 034. 11 AJINI

KARAN, W/O.VAMADEVAN,SECTION OFFICER, UNIVERSITY OF KERALA,PALAYAM,THIRUVANANTHAPURAM-695 034. RESIDING AT TC 14/1505-5,KANNAMMOOLA,MEDICAL COLLEGE P.O.,THIRUVANANTHAPURAM. 12 BIJU M.L.,S/O. P.MADHAVAN NAIR, SECTION OFFICER, UNIVERSITY OF KERALA,KARIAVATTOM CAMPUS,THIRUVANANTHAPURAM-695 581. RESIDING AT MALEE KSRA-68,NEAR V V CLINIC,ATTINGAL. BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY SMT.N.SANTHA SRI.V.VARGHESE SRI.PETER JOSE CHRISTO R1 TO T10 SRI.S.A.ANAND SMT.K.N.REMYA SMT.L.ANNAPOORNA

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1450 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.8866 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 1 AND 2: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM 695 034. 2 THE VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM 695 034. BY ADV THOMAS ABRAHAM RESPONDENTS/PETITIONER & ADDITIONAL RESPONDENTS 3 TO 11:

1 SREEJITH G.S AGED 44 YEARS S/O. V SREEKUMARAN NAIR, SECTION OFFICE, EE VII SECTION, UNIVERSITY OF KERALA RESIDING AT ANAND HOUSE, SRA 242, SASTHA NAGAR, PANGODE, THIRUVANANTHAPURAM 695 006. 2 AJINI KARAN , W/O VAMADEVAN, ASSISTANT (SELECTION GRADE), LEGAL SECTION,

UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695034, RESIDING AT TC-14/1505-5, KANNAMMOOLA, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM- 695011. 3 BIJU M.L S/O MADHAVAN NAIR, ASSISTANT (SELECTION GRADE), AUDIT- II, ADMINISTRATIVE UNIT, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM-695581, RESIDING AT MALEE KSRA-68, NEAR VV CLINIC, ATTINGAL-695101. 4 BEENA. L . W/O SURESH BABU V, SECTION OFFICER, SICC (SOPHISTICATED INSTRUMENTATION AND COMPUTATION CENTRE), UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM-695581, RESIDING AT 'SREERAGAM', KAILAS NAGAR II-1, KAZHAKKUTOM.

5 DIVYA DINESH W/O BIJUNATH GOPINATHAN, ADMINISTRATIVE OFFICER (SECTION OFFICER), DEPARTMENT OF MALAYALAM, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM- 695581, RESIDING AT 'SIVAM' KANNETTUVILA, KATHAIKKONAM P.O., THIRUVANANTHAPURAM-695584. 6 MANEESH R , AGED 37 YEARS S/O RAVI N, SECTION OFFICER AUDIT II, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695034, RESIDING AT M.K VILAS, AYIRAKUZHY P.O, CHITHARA, THIRUVANANTHAPURAM-691559. 7 FRANCIS ANTONY , AGED 42 YEARS S/O ANTONY V.E, SECTION OFFICER, FINANCE IV, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695034, RESIDING AT 28-ASWATHY GARDENS, AMBALATHARA, THIRUVANANTHAPURAM- 695026. 8 BINU G , AGED 42 YEARS S/O GOPALAPANICKER, SECTION OFFICER AUDIT III, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM- 695034, RESIDING AT MAYOORAM, THATTINNAKAM, NALANCHIRA P.O., THIRUVANANTHAPURAM-695015. 9 AFFAR KHAN T ., SECTION OFFICER, PLANNING D SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695034. 10 BIJAY KRISHNA T.S.M SECTION OFFICER, FINANCE III

SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695034. THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON

5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1454 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.5731 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 1 AND 2: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM- 695034. 2 THE VICE CHANCELLOR UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. BY ADV SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA RESPONDENTS/PETITIONERS AND RESPONDENTS 3 TO 47 AND ADDITIONAL RESPONDENTS 48 AND 49:

1 AJINI KARAN W/O.VAMADEVAN, ASSISTANT (SELECTION GRADE), LEGAL SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034, RESIDING AT TC 14/1505-5, KANNAMMOOLA, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM. 2 BIJI M.L. S/O.P.MADHAVAN NAIR, ASSISTANT (SELECTION GRADE) AUDIT II, ADMINISTRATIVE UNIT, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581 RESIDING AT MALEE KSRA-68, NEAR VV CLINIC, ATTINGAL. 3 BEENA L. W/O.SURESH BABU V., SECTION OFFICER, SICC (SOPHISTICATED INSTRUMENTS AND COMPUTATION CENTRE), UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581,

RESIDING AT SREERAGAM, KAILAS NAGAR-II-1 KAZHAKUTTOM. 4 DIVYA DINESH W/O.BIJUNATH GOPINATHAN, ADMINISTRATIVE OFFICER, (SECTION OFFICER), DEPARTMENT OF MALAYALAM, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581 RESIDING AT SIVAM, KANNETTUVILA, KAITHAKKONAM P.O., THIRUVANANTHAPURAM - 695 584.

5 LYN JAMES SECTION OFFICER, CBCSS LAB, UNIVERSITY OF KERALA, 6 AJINA A.MOHAMMAD SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA, 7 LEENA JOHN SECTION OFFICER, CASH IV SECTION, UNIVERSITY OF KERALA, 8 JOSE VARGHESE SECTION OFFICER, AD. A VI SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 9 ANUPAMA P.S. SECTION OFFICER, AC E.V.SECTION, UNIVERSITY OF KERALA, 10 BINI M.B. SECTION OFFICER, AC. C SECTION, UNIVERSITY OF KERALA, 11 PREETHA S. SECTION OFFICER, ACCOUNTS II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 12 ABILASH T.R. SECTION OFFICER, LEGAL ADVISOR SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 13 SUNU SATHYANATHAN SECTION OFFICER EE II A SECTION, UNIVERSITY OF KERALA, 14 YUSEPH M.A. SECTION OFFICER, CASH COUNTER, UNIVERSITY OF KERALA, 15 SREEJITH M.P. SECTION OFFICER ED, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 16 BINDU L.A. SECTION OFFICER, ED IV SECTION, UNIVERSITY OF KERALA, 17 JAYA SUDHA R.P. SECTION OFFICER, EE II G SECTION, UNIVERSITY OF KERALA, 18 ADARSH T.H. SECTION OFFICER, DEPARTMENT OF EDUCATION, UNIVERSITY OF KERALA, THYCAUD, THIRUVANANTHAPURAM - 695 014 19 SREENATH S. SECTION OFFICER, EB IV SECTION, UNIVERSITY OF KERALA,

20 BUSHARA F. SECTION OFFICER, EE V SECTION, UNIVERSITY OF KERALA, 21 AJAY D.N. SECTION OFFICER, AC. L SECTION, UNIVERSITY OF KERALA, 22 RAJANIKANTH SECTION OFFICER, EG XI B SECTION, UNIVERSITY OF KERALA, 23 DEVIKA NATH R. SECTION OFFICER, AUDIT IA SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 24 ABHILASH R.V. SECTION OFFICER, ASC, UNIVERSITY OF KERALA, KARIYAVATTOM CAMPUS, THIRUVANANTHAPURAM - 695 581. 25 ANIL KUMAR D. SECTION OFFICER, NSS SECTION, UNIVERSITY OF KERALA, 26 SAJUMAL T.S. SECTION OFFICER, EG I SECTION, UNIVERSITY OF KERALA, 27 REJANI PRAKASH R. SECTION OFFICER, CAMP AUDIT, UNIVERSITY OF KERALA, 28 RANJINI R. SECTION OFFICER, EF II SECTION, UNIVERSITY OF KERALA, 29 SHANI S. SECTION OFFICER, AC. F II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 30 SHIBI R. SECTION OFFICER, EE VII SECTION, UNIVERSITY OF KERALA, 31 SREEJITH G.S. SECTION OFFICER, ADL. BIV (CP) SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 32 BEENA S.G. SECTION OFFICER, M AND C II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 33 RENJITH SEKHAR R. SECTION OFFICER, QPR SECTION, UNIVERSITY OF KERALA, 34 SOUMYA S. SECTION OFFICER, EJ IV SECTION, UNIVERSITY OF KERALA,

35 NAZEERA BEEVI H. SECTION OFFICER, SDE ACAD II SECTION, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM - 695 034. 36 ABHILASH S. SECTION OFFICER, EA III SECTION, UNIVERSITY OF KERALA, 37 FAZEELA L. ASSISTANT, (SELECTION GRADE), UNIVERSITY OF KERALA, 38 BABITHA SAIRA MATHEW ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 39 DEEPA SREEKANTAN G. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 40 ASHA B. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 41 RESHMI RAJAGOPALAN

ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 42 SANGEETHA K.M. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 43 LINI D.L. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 44 PREETHI P.K. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 45 RAJEEV SUDHAKARAN ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 46 VINOD KUMAR S. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 47 RENJITH P. ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 48 BINOY MATHEW ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA, 49 ARUNA GOPALAKRISHNAN ASSISTANT (SELECTION GRADE), UNIVERSITY OF KERALA,

50 JAFFAR KHAN T. SECTION OFFICER, PLANNING D SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM - 695 034. 51 BIJAY KRISHNA T.S.M. SECTION OFFICER, FINANCE III SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM - 695 034. BY ADVS.SRI.B.UNNIKRISHNA KAIMAL, R9, R19,R29 SRI.V.MADHUSUDHANAN, R9, R19,R29 THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1465 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.6297 OF 2019 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 1 AND 2: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS, THIRUVANANTHAPURAM-695 034. 2 THE VICE CHANCELLOR UNIVESITY OF KERALA, UNIVERSITY CAMPUS, THIRUVANANTHAPURAM-695 034. BY ADV

THOMAS ABRAHAM RESPONDENTS/PETITIONERS AND
ADDITIONAL RESPONDENTS 3 AND 4:

1 JOSE VARGHESE AGED 48 YEARS SECTION OFFICER,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034. 2 ANUPAMA P.S. SECTION OFFICER, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM-695 034. 3 SONU
SATHYANATHAN SECTION OFFICER, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM-695 034. 4 BINDU L.A.
SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034. 5 JAYASUDHA R.P SECTION
OFFICER, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034. 6 ADARSH T.H. SECTION
OFFICER, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034.

7 RANAJIKANTH V. SECTION OFFICER, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM-695 034. 8 ABILASH R.V.
SECTION OFFICER, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034. 9 SHANI R.S. SECTION OFFICER,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695
034. 10 SOUMYA S. SECTION OFFICER, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM-695 034. 11 AJINI KARAN W/O.
VAMADEVAN, SECTION OFFICER, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM-695 034, RESIDING AT TC
THIRUVANANTHAPURAM. 12 BIJU M.L. S/O. P.MADHAVAN NAIR,
SECTION OFFICER, UNIVERSITY OF KERALA, KARIAVATTOM
CAMPUS, THIRUVANANTHAPURAM RESIDING AT MALEE, KSRA-69,
NEAR VV CLINIC, ATTINGAL. BY ADV P.C.SASIDHARAN, R1 TO R10

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON
5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES,
THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WA NO. 1494 OF 2020 AGAINST THE JUDGMENT DATED 8.9.2020 IN WP(C) NO.9290 OF 2018 OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 1 AND 2: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, THIRUVANANTHAPURAM 695 034 2 THE VICE CHANCELLOR, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 BY ADV THOMAS ABRAHAM RESPONDENTS/PETITIONERS AND RESPONDENTS 3 TO 8 AND ADDITIONAL RESPONDENTS 9 TO 36:

1 SREENATH S SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 2 YUSEPH M.A, SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 3 AJINA A. MOHAMMED., SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 4 RAJANI PRAKASH R, SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 5 SHIBI R, SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 6 RENJITH SEKHAR R, SECTION OFFICER, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034

7 ANUPAMA V.T, SELECTION GRADE ASSISTANT , CONTROLLER OF EXAMINATIONS BUILDING, UNIVERSITY OF KERALA, PALAYALAM, THIRUVANANTHAPURAM 8 AJINI KARAN, W/O. VAMADEVAN, ASSISTANT (SELECTION GRADE) LEGAL SECTION, UNIVERSITY OF KERALA, PALAYALAM, THIRUVANANTHAPURAM 695 034 RESIDING AT TC 14/1505-5, KANNAMMOOLA, MEDICAL COLLEGE P.O, THIRUVANANTHAPURAM 9 BIJU M.L, S/O. P MADHAVAN NAIR, ASSISTANT (SELECTION GRADE) AUDIT II, ADMINISTRATIVE UNIT, UNIVERSITY OF KERALA, KARIAVATTOM

CAMPUS, THIRUVANANTHAPURAM 695 581, RESIDING AT MALEE KSRA-68, NEAR VV CLINIC, ATTINGAL. 10 BEENA L, W/O. SURESH BABU V, SECTION OFFICER, SICC (SOPHISTICATED INSTRUMENTATION AND COMPUTATION CENTRE) UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM 695 582 RESIDING AT SREERAGAM, KAILAS NAGAR II-1, KAZHAKKUTTOM 11 DIVYA DINESH, W/O. BIJUNATH GOPINATHAN, ADMINISTRATIVE OFFICER 9SECTION OFFICER), DEPARTMENT OF MALAYALAM, UNIVERSITY OF KERALA, KARIAVATTOM CAMPUS, THIRUVANANTHAPURAM 695 581 RESIDING AT SIVAM, KANNETTUVILA, KATHAIKKONAM P.O, THIRUVANANTHAPURAM 695 584 12 GIREEESH R.O, AGED 42 YEARS S/O. G RAVI, SECTION OFFICER, EJ-X, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM 695 034 RESIDING AT KEMRA 31(A), KRISHNAGLI, JAGATHY THIRUVANANTHAPURAM 695 13 JAFFAR KHAN T, SECTION OFFICER, PLANNING D SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 14 BIJAY KRISHNAN T.S M , SECTION OFFICER, FINANCE III SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 15 BIJUDAS C.S, SECTION OFFICER, EGV SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 16 REMYA P J, SECTION OFFICER, FINANCE II SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 17 SINDHU P.S, SECTION OFFICER, ACCOUNTS VI B SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034

18 INDU V.G, SECTION OFFICER, AUDIT 1 SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 19 KAVITHA V, SECTION OFFICER, ACCOUNTS V B SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 20 JAYARAJ J, SECTION OFFICER, PLANNING A SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 21 RAJESH S, SECTION OFFICER, DEPARTMENT OF MATHEMATICS, UNIVERSITY OF

KERALA, THIRUVANANTHAPURAM 695 034 22 ASWATHY L V
SECTION OFFICER, AD BII SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 23 DIVYA G.S, SECTION
OFFICER, AD B IV SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 24 ABHILASH A.K, SECTION
OFFICER, ELECTION SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 25 DHANYA K, SECTION
OFFICER, EH SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 26 SONA RANI A.S, SECTION
OFFICER, DEPARTMENT OF LIBRARY AND INFORMATION
SCIENCE, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695
27 BINDU E, SECTION OFFICER, CES SECTION 1, UNIVERSITY OF
KERALA, THIRUVANANTHAPURAM 695 034 28 ANISHA KUMARI R S,
SECTION OFFICER, DEPARTMENT OF BIO CHEMISTRY,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 29
MEERAN D.N SECTION OFFICER, ES IX SECTION, UNIVERSITY OF
KERALA, THIRUVANANTHAPURAM 695 034 30 SARIKA P R,
SECTION OFFICER, EE II L, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 31 DEEPA FRANCES PRAKASH,
SECTION OFFICER, AUDIT IV C SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 32 MEENA S, SECTION OFFICER,
EB 1 SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM
695 034

33 SMITHA J.B, SECTION OFFICER, M AND C I SECTION,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 34 RAJI
R, SECTION OFFICER, EE II J SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 35 SARITHA J N, SECTION
OFFICER, EE II J SECTION, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 36 ANEES M.A, SECTION
OFFICER, DEPARTMENT OF LAW, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM 695 034 37 NISHA A, SECTION OFFICER,
EB V SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM

695 034 38 SMITHA S NAIR, SECTION OFFICER, DEPARTMENT OF OPTO ELECTRONICS, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 39 SARA SUSAN ABRAHAM, SECTION OFFICER, EG VI B SECTION, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM 695 034 40 SREEJITH K G, AGED 39 YEARS S/O. GOPALAN PILLAI, SREENILAYAM, VETTIYARA P.O, NAVAIKULAM, THIRUVANANTHAPURAM 695 603 BY ADVS. SRI.K.JAJU BABU (SR.), R1 SRI.B.UNNIKRISHNA KAIMAL, R1

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA THURSDAY, THE 21ST DAY OF MARCH 2024 / 1ST CHAITHRA, 1946 WP(C) NO. 27317 OF 2023 PETITIONER: R. MANEESH AGED 43 YEARS S/O. RAVI NARAYANAN, SECTION OFFICER, UNIVERSITY OF KERALA, RESIDING AT M.K. VILAS, AYIRAKUZHAY P.O., KOLLAM DISTRICT, PIN - 691559 BY ADVS. NISHA GEORGE SIDHARTH.R.WARIYAR KAVYA VARMA M. M. RESPONDENTS: 1 UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, PALAYAM, THIRUVANANTHAPURAM, PIN - 695034 2 THE VICE CHANCELLOR UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM, PIN - 695034 3 DR. MOHANAN KUNNUMMAL VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM, PIN - 695034 BY ADV Thomas Abraham THIS WRIT PETITION (CIVIL) HAVING COME UP FOR FINAL HEARING ON 5.3.2024, ALONG WITH WA.1266/2020 AND CONNECTED CASES, THE COURT ON 21.03.2024 DELIVERED THE FOLLOWING: C.R. AMIT RAWAL & C.S.SUDHA, JJ. ----- Writ Appeal No.1266, 1267, 1270, 1287, 1379, 1428, 1430, 1437, 1450, 1454, 1465,

----- Dated this the 21st day of March
2024

JUDGMENT

C.S.Sudha, J.

Is there any criteria to be satisfied/fulfilled by the 'Assistants' of the Kerala University for declaration of probation and for promotion to higher grades/posts ? Is there any mandatory test to be passed or qualified by them for declaration of their probation and for being promoted to higher grades/posts ? The appellants led by learned Senior counsel Sri.George Poonthottam and instructed by Adv.Navaneeth Krishnan A.L. answers the queries emphatically in the affirmative, whereas the party respondents, led by learned Senior Counsel Sri.Jaiju Babu and instructed by Adv.V.Madhusudhanan, with equal if not more vigour, in the negative. Let us examine the controversy involved.

2. These intra court appeals have been filed by the petitioners and

the first respondent, University of Kerala, aggrieved by the common judgment

dated 08/09/2020 disposing of W.P.(C)Nos.1366/2018 ; 5731/2018 ; petitioner in W.P.(C)No.27317/2023 support the case of the appellants in the writ appeals. The facts and the dispute/issue involved in all the appeals are the same and hence they are being disposed of together. The facts ; the parties and the documents will be referred to as described in W.P. (C)No.1366/2018 unless otherwise referred to.

3. The writ petition was filed challenging Exts.P1, P2 and P8 orders

of the first respondent University of Kerala (the University). According to the petitioners, they were appointed as Assistants in the University pursuant to a due process of selection and on the basis of a rank list published on

thereafter as Selection Grade Assistants on various dates as per Ext.P1 order

dated 23/02/2017. Respondents 4 to 36 (the party respondents) were promoted as Section Officers by Ext.P1 order as well as by Ext.P2 order dated passed the departmental test in January 2009 and completed their probation in the post of Assistants in May/June 2009. They were thus eligible to be promoted as Senior Grade Assistants in June 2009. Ext.P3 is the list of Assistants eligible for promotion as Senior Grade Assistants in June 2009. All the petitioners figured in Ext.P3 list. The party respondents had passed the departmental test only in July 2009 and thereafter. Ext.P4 is the list of Assistants who have passed the departmental test after June 2009. Though the party respondents had passed the department test only after the petitioners had passed the departmental test, the former have already been promoted as Section Officers. The order of promotion issued by the University is in violation of the principles of seniority. Therefore, the petitioners submitted a representation dated 27/02/2017 before the Vice Chancellor, that is, the second respondent, who in turn constituted a Committee for rectifying the anomalies. 3.1. The Committee on 17/05/2017 submitted Ext.P5 report recommending the Assistants of the 2008 batch to be promoted to the cadre of Senior Grade with effect from 03/12/2009 and to Selection Grade with effect from 01/04/2011. The second respondent called for objections to Ext.P5 report, to which various objections were filed. The Committee on 28/06/2017 submitted a draft proposal to the second respondent. The second respondent after considering the fresh recommendations of the Committee, directed the latter to submit a comprehensive report after verifying the available records and after considering all the aspects involved in the matter. Pursuant thereto, the Committee submitted Ext.P6 report dated 10/08/2017. The Committee found that promotions granted to the party respondents ignoring the seniority of the petitioners was wrong and placed them in the list according to the date of passing the departmental test. Though the finding of the Anomaly Rectification Committee that the promotions given to the party respondents as per Exts.P1 and P2 was wrong, no steps were taken by the second respondent to implement Ext.P6 report and to revise the promotions already granted. 3.2. The petitioners filed W.P.(C)No.30240/2017 seeking a direction to respondents 1 and 2 to promote the petitioners as Selection

Grade Assistants with effect from the date of Ext.P1 order in the light of Ext.P6 report which was prepared in accordance with the existing rules. However, no action has been taken by the University. Instead of implementing the same, the University in order to deny the chance of promotion to the petitioners, sought the opinion of a legal advisor. The legal advisor has given a totally incorrect opinion that the dates of vacancies should be unified considering the date of joining of the last incumbent of the 2008 batch

Assistants and to revise the promotions in the said manner. Ext.P8 order

dated 03/01/2018 was thus issued by the University unifying the dates of vacancy as 03/07/2010 and revising the promotions accordingly. By the unification of vacancies which occurred on different dates, the party respondents who passed the department test subsequent to the petitioners were able to retain the illegal promotions obtained by them. The principle of 'date of occurrence of vacancy' as contemplated under the general rules, which has been settled in a catena of decisions has been given a go-by on the basis of the illegal opinion of the legal advisor of the University. Hence, the writ seeking quashing of Exts.P1, P2 and P8 orders to the extent it granted promotion to the party respondents as Section Officers ; to direct the University to promote the petitioners as Section Officers with effect from the date of Ext.P1 order in the light of Ext.P6 report with all consequential benefits and to declare that the unification of dates of vacancies for the purpose of making promotions to the post of Section Officer as per Ext.P8 is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

4. Respondents 1 and 2, the University, filed counter affidavit inter

alia contending that as several complaints were received to Ext.P6 report, a new Committee was constituted to verify the complaints, pursuant to which a report was submitted on 13/03/2018. Objections were called for to the report. Challenging the issuance of the circular inviting complaints regarding the list prepared based on the report, W.P.(C)No.9290/2018 was filed. As per interim order dated 27/03/2018, it was directed that proceedings pursuant to the circular inviting complaints could continue. However, the finalisation of the same was to be

done only after obtaining orders of the court. Accordingly, the Committee examined the complaints received and submitted a report and a list. The newly constituted Committee took into consideration the minutes of the Syndicate held on 31/05/1963 and on 01/06/1963 resolving to implement Ext.R1(a) order dated 14/01/1963 in the University relating to passing of obligatory departmental test. Ext.R1(b) is the minutes of the meeting of the Syndicate held on 31/05/1963 and 01/06/1963 respectively. Ext.R1(d) is the list of employees to be promoted to the higher posts, that is, Assistant Senior Grade ; Assistant Selection Grade and Section Officer in accordance with the report of the Anomaly Rectification Committee. Despite the passage of time after the issuance of Ext.P1 order dated 23/02/2017, steps have not been finalised to effect promotions and to fix salary. The employees of the 2000 batch are still drawing the salary in the cadre of Assistants.

5. Respondents 7, 8, 12, 15, 16, 17, 21, 23, 28 and 33, the party

respondents, filed a joint counter affidavit contending that neither the Ordinances nor the Rules or Statutes prescribe passing of any departmental test for the purpose of granting promotion to the post of Assistant Grade-I from the post of Assistant Grade-II or for further promotion to the post of Selection Grade Assistant or Senior Grade Assistant or Section Officer or for that matter any higher post including Section Officer. Since neither the Act, Statute nor the Ordinances prescribe passing of any departmental test for promotion, the claim of the petitioners that since they had passed the departmental test earlier, they should be given promotion or preference in the matter of promotion to the post of Section Officer is without any merit or bona fides. The petitioners are far junior to the respondents in the seniority list and in the order of appointment in the cadre of Section Officer. Therefore, the petitioners cannot seek any preferential claim for promotion over the respondents for the higher posts. Rule 28(b) of the KS & SSR has no relevance or application with reference to the service condition of the employees of the University since it is independently governed by the Special Rules, namely, the Kerala University Act, 1969 (the KU Act) ; the Kerala University First Statutes, 1977 (the KUFS) and the Kerala University First Ordinances, 1978 (the KUFOs). The petitioners have not challenged the seniority list of the

Assistants published in the year 2013. When the promotion to higher cadres is based on 'seniority' and 'merit', the petitioners cannot be heard to say that promotion as Section Officer is bad for want of qualification since no additional qualification of passing the departmental test for promotion to Section Officers has been prescribed. Even going by Rule 19 of the General Rules contained in the KS & SSR, though not adopted by the University in the matter of governing service conditions of the employees, the passing of departmental test is mandated only if such a test is prescribed in the Special Rules governing the service.

6. The learned Single Judge disposed of the writs declaring that

there is no provision in the KU Act, Statutes or Ordinances governing the Assistants/Assistants Grade-II working in the University prescribing test qualification either for probation or promotion to higher posts. Thus, the University was directed to take further action accordingly. All proceedings granting promotion with reference to the date of acquisition of test qualification has been directed to be revised and promotions granted on the basis of seniority. Aggrieved, the petitioners have come up in appeal.

7. The crucial question that needs to be answered in the aforesaid

appeals is whether passing any departmental test(s) is obligatory for declaration of probation and promotion from the entry level post of Assistant to higher grades/posts in the University.

8. We heard both sides and have also anxiously considered the submissions made by them.

9. It would be apposite to refer to the relevant provisions of the Act, Statutes and Ordinances relied on by either side. Statute 9 in Chapter IV of the KUFS reads -

9. Probation and confirmation of non-teaching staff.- (1) Every person appointed to class, I, II and III post shall, from the date on which he joins duty be on probation for a period of one year within a continuous period of two years: Provided that where there are more than one grade to the

same category and duties and responsibilities attached to the various grades are one and the same and appointment to the higher grades are made by promotion from the lower grades, then probation shall be insisted only in the lowest grade to such category. Provided that it shall be competent for the Syndicate to extend the period of probation for a period not exceeding one year for good and sufficient reasons.

(2) If, on expiry of the prescribed period or extended period

of probation, the Syndicate decides that a person appointed to any class or category is not suitable for continuance in the post to which he has been appointed, it shall discharge him from service or revert him to his original appointment as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken against him,

(3) On satisfactory completion of probation, every person shall be declared to have satisfactorily completed his probation by a written

order of the competent authority. Thereafter, he shall become eligible

for confirmation. Therefore, when the petitioners and the party respondents entered service as 'Assistant' on various dates in the year 2008, they were placed on probation for a period of one year within a continuous period of two years. It was only on successful completion of probation; their probation was liable to be declared pursuant to which they became eligible for confirmation or became a full member in the post.

10. For declaration of probation, is an Assistant required to 'pass

any departmental test' ? The petitioners and the University rely on Statutes 2 and 10 of Chapter IV of the KUFS; Statute no.3 in Chapter XVII of the KUFOs; Rule 19(b)(i) of the KS & SSR as well as Ext.R1(a) and Ext.R1(b) to canvass the point that 'pass in test' is necessary. The party respondents on the other hand referring to the term prescribed in the aforesaid provisions of the KUFS and KUFOs and the definition of the said term contained in Section 2(14) of the KU Act, contend that

as long as the relevant Statutes, Ordinances, Regulations, Rules etc. do not prescribe a test, the University cannot insist on the same.

11. Statute no.10 in Chapter IV of KUFS reads -

10. Passing of Examination or Test. - The University employees shall be required to pass such departmental tests or examinations within such period as may be prescribed by the Syndicate within the period of probation. Clause 3 in Chapter XVII of the KUFOs reads - 3. Scales of pay, age etc., for non-teaching posts:-

(1) The scales of pay, age limit, minimum qualifications

and method of recruitment to the posts specified in column (1) of the schedule given hereunder shall be as prescribed in the corresponding entries in columns 3,4,5,6 and 7 respectively thereof.

(2) Each scale of pay shall carry the increment at such rate as may be prescribed by the Syndicate.

(3) No person shall be appointed to a post unless he

possesses the minimum educational and other qualifications prescribed therefor: Provided that in the case of employees who were in permanent service on the dates on which the Ordinances or portions thereof made under the Kerala University Act, 1957 came into operation, the Syndicate may relax the qualifications on the merits of each case.

The relevant part of the Schedule referred to in Clause 3 reads

Sl. No.	Designation	Scale of Age	Qualifications	Method of recruitment	No. pay
(1)	(2)	(3)	(4)	(5)	(6)
20	Assistant Grade 1	285-550			
21	Assistant Grade II	240-445	Not more	University	

of seniority and merit.

cadre of Clerical Assistants who have acquired a minimum of seven years of service of which five years shall be as qualified Clerical Assistants and have passed the prescribed eligibility test. Therefore, as per the above provisions, 'a pass in the prescribed test' is

necessary for declaration of probation of an Assistant and thereafter for promotion from Assistant [which was earlier Assistant Grade-II which merged with the promotion post of Assistant Grade-I and was re-designated as 'Assistant' pursuant to University order dated 28/06/2006 implementing the pay revision effected on the basis of the report of the 8th Pay Revision Commission as per G.O. (P)No.145/06/Fin. dated 25/03/2006] to the next higher grade of Senior Grade Assistant and thereafter as Selection Grade Assistant.

12. The term 'prescribed' is defined under Section 2(14) of the KU

Act meaning - prescribed by the Act, or the Statutes, Ordinances, Regulations, rules or bye-laws made thereunder. The fact that the Syndicate has not prescribed any test(s) as contemplated under the aforesaid provisions is not disputed by either side or for that matter by the University. Therefore, it is unnecessary for us to go into the arguments or the several decisions relied on by either side as to the meaning to be assigned to the term 'prescribed' or the manner or procedure by which Ordinances or Regulations are made. It was submitted during the course of arguments that after the impugned judgment, the University in the year 2021 has initiated steps to amend the relevant Statutes so as to make it obligatory for every person appointed as Assistant to pass the obligatory test conducted by the PSC for successful completion of probation and promotion. But this process has not yet been completed. Therefore, it was argued on behalf of the party respondents that unless and until tests are prescribed in the manner provided under the relevant Statutes, declaration of probation and promotions cannot depend on pass in the tests. In the absence of a test being prescribed by the Senate as contemplated under the aforesaid provisions, the next question that arises is the 'procedure' to be followed in the declaration of probation and grant of promotion to higher grades or posts.

13. The petitioners and the University in answer to the aforesaid

question, rely on Ext.R1(a) and R1(b) as well as Statute no.2, Chapter 4 of KUFS. Per contra, according to the party respondents, Ext.R1(a) Government Order (G.O.) providing for passing the Account Test (Lower) and test in Office Procedure, is applicable to LD Clerks only and so the G.O. cannot be made applicable to Assistants of the University as they are in the cadre of U.D. Clerks. Ext.R1(b) minutes of the Senate was only an adoption of the G.O. applicable to L.D. Clerks in the Government service. Based on Ext.R1(b) resolution, consequential orders have not been issued by the University to form it into a binding order, modifying the service conditions. A decision taken by the Syndicate cannot be a substitute for a Regulation or an Ordinance, which can be the only legitimate manner in which such decisions can be made mandatory or binding, goes the argument of the party respondents. In support of this argument, reference was made to the dictums in *State of Punjab v. Madan Singh*, AIR 1972 SC 1429 : (1974)3 SCC 90 and *State of Haryana v. Shamsheer Jang Shukla*, AIR 1972 SC 1546.

14. In *Madan Singh* (Supra), the executive instructions issued by the

Government concerned, prescribing departmental test as a condition precedent for considering the promotion of Clerks to the post of Assistants was challenged. As per the Rules applicable to the appellant therein, any one could be appointed as an Assistant if he possessed sufficient experience of the Rules and Regulations and was capable of putting up intelligent notes and drafts. Under the Rules, no Clerk had to pass an examination or a test for

being considered for promotion as Assistant. Matters being so, an office order

was passed prescribing a test for those who were working as Senior Clerks and those who were officiating as Assistants in order to guide the making of the promotions to the post of Assistants. The office order stated that the officials who refused to take the test or failed to qualify in it, would not be deemed eligible for promotion. The Apex Court held that executive instructions/orders issued by the Government are void as they amounted to an alteration of the Rules prescribed under Section 241 of the Government of India Act.

15. In *Shamsher Jang Shukla (Supra)*, the question of law that was

inter alia considered was whether the Government could by administrative instruction add to the conditions of service relating to the promotion of a government servant prescribed under Article 309 of the Constitution of India. It has been held that when Rules have been made under Article 309 prescribing conditions of service, the Government was not competent to alter by means of administrative instructions the conditions of service prescribed by the Rules. But it has also been held that though the Government cannot amend or supersede the statutory rules by administrative instructions, if the Rules were silent on any particular point, the Government could fill up the gaps and supplement the Rules and issue instructions not inconsistent with the Rules already framed.

16. The petitioners rely on the dictum in *Pankajakshan Nair v. Jayaraj*, (2002)10 SCC 396 wherein it has been held that when the statutory rules are silent on a particular topic and there is no provision which can be

held to be contrary to the executive instructions, then the latter would

continue to operate in the field. The executive instructions must then be held

to be supplemental to the statutory rules.

17. Ext.R1(a) G.O. dated 14/01/1963 of the Government of Kerala reads -

The question of prescribing unified tests in Office Procedure and Account Test (Lower) for the ministerial staff of the different offices of the State Government has been under consideration of the Government. After detailed consideration the Government are pleased to issue the following orders:-

1. Account Test (Lower) - Lower Division Clerks in all

offices except the Kerala High Court but including the Office of the Public Service Commission and the Civil and Criminal Courts subordinate to the

High Court and Assistants Grade II in the Secretariat (excluding Legal Assistants Grade II in the Law Department of the Secretariat) should be required as at present to pass the Account Test (Lower) for confirmation in the lower division or Grade II and for promotion to the upper division or Grade I.

2. Test in Office Procedure.- (a) Assistants Grade II in

the Secretariat (including Legal Assistants Grade II in the Law Department) and Lower Division Clerks of the Offices of the Public Service Commission and the Director of Public Relations in the scale of Rs.50-125 should pass a test on the Kerala Secretariat Office Manual within the period of probation.

(b) Lower Division clerks in the Revenue Department including the Office of the Board of Revenue should pass a test on the District Office Manual during the period of probation.

(c) Lower Division Clerks in the Police Department including

the Office of the Inspector General of Police should pass Part II of the Police Test (A test on the Manual of Office Procedure for use in the Police Department) during the period of probation.

(d) Lower Division Clerks in the remaining offices except the

High Court but including the Civil and Criminal Courts subordinate to the High Court and subordinate offices of the Public Relations Department should pass a test on the new Manual of Office Procedure for use in Offices other than Secretariat during the period of probation and

3. The penalty for not passing the tests in Office

Procedure during the period of Probation will be as indicated in rules 19(b) and 21 of Part II of the Kerala State and Subordinate Services Rules, 1958. In cases where probation has not already been prescribed, the persons concerned should be required to pass the tests within a

period of two years from the date of orders or from the date of appointment, whichever is later. Persons who, on the date of issue of orders, have either passed the Travancore- Cochin Secretariat Office Manual Test or have already secured promotion to the Upper Division or Grade I will not be required to pass the new test in Office Procedure.

18. As per Ext.R1(b), the syndicate of the University in its meeting

held on 31/05/1963 and 01/06/1963 resolved to make Ext.R1(a) G.O.

applicable to the University with effect from 14/01/1963. Hence, from the year 1963 onward till date, Assistants had to pass the test in Office Procedure/Secretariat Manual for declaration of their probation and Account Test for being promoted to the next Grade, that is, Assistant Senior Grade. It is not disputed that all the petitioners and the party respondents cleared the departmental test before their probation was declared. The party respondents do not have a case that it was not the tests referred to in Ext.R1(a) G.O. that they had appeared for and passed. None of the employees of the University or for that matter, the party respondents challenged Ext.R1(b) decision of the Senate resolving to apply Ext.R1(a) G.O. to the University employees all these years. The challenge seems to have been raised for the first time in the year 2017-2018. Moreover, neither Ext. R1(a) nor Ext.R1(b) does in any way alter or modify the provisions of any Act/Statute/Ordinances etc. applicable to the University in question as was the case in Madan Singh and Shamsheer Jang Shukla (Supra). Unlike in Madan Singh (Supra) where there were no tests at all to be passed, here, the relevant provisions to which we have already adverted to, say pass in tests prescribed is necessary. No doubt, it would certainly have been ideal had the Syndicate taken steps pursuant to Ext. R1(b) resolution taken way back in the year 1963, to prescribe test in the manner provided under the aforesaid provisions. Nevertheless, as held in Shamsheer Jang Shukla and Pankajakshan Nair (Supra), though the University cannot amend or supersede the statutory rules/ Ordinances etc. by resolutions/ instructions, when the former are silent on any particular point or gaps are there, then instructions/orders not inconsistent with the Rules already

framed can be made. As long as there is no provision in the Statutes/ Regulations/Ordinances which can be held to be contrary to the resolution/ instructions, it can only be taken to be supplemental to the former and would continue to operate in the field. Based on Ext.R1(b), the University has all along passed several orders relating to probation and promotion, which decision, as noticed earlier was never ever challenged till the present proceedings were initiated.

19. A reference to Statute 2, Chapter 4 of KUFS would make the position all the more clear. The same reads - 2. Applicability of the Kerala Service Rules etc., to the non- teaching staff.

(1) Subject to the provisions of the Act and the statutes issued

thereunder, the Kerala State and Subordinate Service Rules, 1958, the Kerala Service Rules, 1959 and the Government Servants Conduct Rules, 1960 as amended from time to time in so far as may be applicable and except to the extent expressly provided for

in these Statutes shall apply in the matter of all the service conditions of the University employees in the University service: Provided that the said rules shall, in their application to the members of the University service, be construed as if the employees were the Kerala University instead of the Kerala State Government. Notwithstanding anything contained in these statutes, the employees who were in the University service immediately before the 30th day of August 1957 and to whom section 28 (b) of the Travancore University Act, 1113 was applicable shall be governed by the service rules and conditions of service to which they were subject to before the 30th day of August, 1957. provided that such employees have not exercised their option to be governed by the provisions in Chapter LVIII of the Ordinances immediately in force before the commencement of the Kerala University First Statutes, 1972. (Emphasis supplied)

In the absence of any test being prescribed by the Senate as provided under Clause 3 in Chapter XVII of the KUFOs ; Statute 2 in Chapter 4 of the KUFS would come into play and make the provisions of the KS & SSR applicable, the provisions of which are not in any way inconsistent with any of the provisions of the Act/Statutes/Ordinances applicable to the University.

20. It is true that Ext.R1(a) and Ext.R1(b) are of the year 1963,

which are apparently and obviously much before the KU Act 1974 came into being. But even after the KU Act, 1957 and the KU Act, 1969 were repealed and the KU Act, 1974 came into being, the fact that for the past more than five decades all the employees of the University including the petitioners and party respondents had undertaken the departmental tests without any demur is admitted. When a specific question was put as to why the departmental tests as prescribed under the KS & SSR was taken by the party respondents, if the same had not been made obligatory for the employees, no plausible answer was forthcoming. Here reference to Annexure A1 in W.A.No.1266/2020 a representation dated 26/05/2014, admittedly, given by the Assistants of the University including some of the party respondents herein is necessary. The relevant portion reads -

1. We were recruited as Assistants in the service of the University of Kerala based on the selection conducted in pursuance to notification dated 03.03.2005 issued by the University. On completion of the selection process the University published rank list on 08.04.2008. We were appointed as Assistants by order No.Ad.AI.3.146/2008 dated 20.05.2008 and we joined duty on different dates in May-June 2008 and we are continuing in service for the last six years without interruption.

2. But we are not being promoted to Senior Assistants and higher categories, apparently because of the pendency of proceedings before the Kerala Lok Ayukta in

complaint No.572 of 2008 filed by one Mr. Sujith S.S, alleging irregularities in the selection process. The Upa Lok Ayukta has already forwarded its final report dated 29.12.2011 in the above complaint to the competent authority under the Act for further action on the recommendations in the report.

3. xxxxx xxxxx xxxxx

4. As submitted earlier, we have completed 6 years service as

Assistants and have become fully qualified for promotions by passing the obligatory departmental examination (RULE 12(7) of K.S.R. Part I Explanation (iii) any test a pass in which is prescribed for the promotion to any higher post coming in the line of promotion in the Department concerned) conducted by the Kerala Public Service Commission prescribed for promotion as Senior Assistants.....

5. xxxxx xxxxx xxxxx

.....Be that as it may, denial of promotion despite completion of more than 6 years of service and after having passed the obligatory departmental examination conducted by the Kerala Public Service Commission is highly unconstitutional. (Emphasis supplied). In addition, we refer to Annexure A5 order of the University dated 26/11/2009 produced along with their reply affidavit dated 09/11/2023 filed in W.A.No.1437/2020 which reads thus - UNIVERSITY OF KERALA (Abstract)

Establishment - Declaration of probation of Assistants-Sanctioned-Orders -----

ADMINISTRATION 'A.I.' SECTION No.Ad A. 1/3.589/09(1) Dated.
Thiruvananthapuram, 26.11.2009

----- Read: 1.

U.O. No.Ad.AV.1./6180/2002 dated 15.03.2002

2. U.O No. Ad AI/3/146/08 dated 18.06.2008 and 26.07.2008

ORDER

According to Statute 9 Part II Chapter IV of the Kerala University First Statutes 1977, every person appointed to Class I, II and III posts shall from the date on which he joins duty, be on probation for a period of one year within a continuous period of two years. The Assistant appointed by the University of Kerala while paper read as (ii) above were placed on probation for a period of one year within a continuous period of two years from the date on which they joined duty in the respective Departments/Sections of the University. Accordingly, the following Assistants had completed one year of service in the University in the post of Assistant and duly passed the obligatory departmental examination conducted by the Kerala Public Service Commission, prescribed as per 12(7) Explanation (i), Part I Kerala Service Rules for the successful completion of probation. The work and conduct of these Assistants during the period of their probation have been found to be satisfactory and they have not availed themselves of any leave affecting extension of their probationary

period. Sanction has therefore been accorded by the Registrar to the probation period of the said employees being declared as satisfactory completed in the post of Assistant in the University of Kerala w.e.f. the dates as detailed against their names below. Sl.No Name of Department Date of Entry Probation Probation Assistant t/Section into Service completed on declared on

1	Naveen S.L.	EG I	22.05.2008	21
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The first increment in the scale of pay of the probation post of the above said Assistants shall be drawn under the provisions contained in Rule 37B(b)(ii) of Part I Kerala Service Rules and G.O. (P)133/75/Fin. dated 31/03/1975. Deena Stephen Deputy Registrar (Admn.I) for Registrar (Emphasis supplied). Some of the party respondents, namely, respondents 5, 21, 24, 25 and 29 figure in Annexure A5 list, that is, at serial no.8, 2, 5, 4 and 6 respectively.

21. We also refer to Annexure A6 circular dated 20/09/2010 of the

University which has also been produced along with the reply affidavit in W.A.No.1437/2020. Annexure A6 contains a list of Assistants who had passed the Account test and Secretariat Manual test conducted by the Kerala Public Service Commission (the KPSC) up to and during January 2010. The Circular reads - UNIVERSITY OF KERALA (. . .) CIRCULAR

Sub :- Provisional list of the Assistants who have passed the departmental test viz. Account test and Secretariat Manual test conducted by Kerala Public Service Commission up to and during January 2010 - reg. A provisional list of Assistants in the University who are in service and have passed the Account Test and Secretarial Manual Test conducted by the Kerala Public Service Commission up to and during December 2009/January 2010 is appended to the circular for information of all concerned. Complaints if any in respect of the test(omissions, descriptions etc.) should be forwarded through Branch officers/Head of the Department concerned so as to reach the Ad.A.V Section before 10/10/2010 . If no complaints are received within that period the provisional list will be

finalized without further notice. The Heads of the Departments/Officers shall bring the contents of this Circular to the notice of all the Assistants working under their control. Deena Stephen Deputy Registrar (Admn.I) for Registrar

22. The provisional list of 130 Assistants who are seen to have entered

service on various dates in the year 2008 and who passed the Account Test and Secretarial Manual test during and up to January 2010 is seen appended to Annexure A6 circular. Except for the fifth petitioner, all the other petitioners and the names of 24 of the party respondents figure in the list. Annexures A1 in W.A.No.1266/2020; A5 and A6 in W.A.No.1437/2020 which are not disputed by the party respondents make it clear that the decision taken by the University as per Ext.R1(b) continued to be enforced or implemented without any challenge from

any quarter including the party respondents for the last more than five decades.

23. Admittedly, the party respondents passed the departmental

test sometime during the period June 2009-January 2010. It is too late in the day for the party respondents to now contend that there is no requirement of passing any test for declaration of probation or promotion. In the light of Annexures A1, A5 and A6 referred to hereinabove, the party respondents cannot take up a stand as was attempted to be put forward during the course of arguments that though pass in departmental tests was never obligatory, they appeared and cleared the same just for the heck of it. If probation is to be declared or promotion granted as contended by the party respondents, that would have far reaching consequences as it may in some cases even affect persons who have retired from service long back. Where a remedy is sought by filing a writ petition, normally, a belated service related claim, will be rejected on ground of delay and laches. Reopening or reworking the seniority list based on a procedure never ever adopted by the University all these years would certainly affect others. The delay in challenging Ext.R1(b) and the actions taken all these years based on the same, has made the declarations sought for or the claim made by the party respondents in the writ petitions filed by them stale as the doctrine of laches is squarely applicable. [Union of India v. Tarsem Singh, (2008)8 SCC 648].

24. Hence, we hold that 'pass in departmental tests' as decided by the

University in Ext.R1(b) is essential for declaration of probation and promotion thereafter. The question that now arises is as to the crucial date(s) on which promotion could be granted. According to the petitioners, in the light of the aforesaid provisions and Rule 28(a)(i) ; Rule 28 (iA) ; Rule 28(bb) and Rule 28(bbb) of the KS&SSR, promotions can only be based on the date of acquisition of test qualifications and with reference to the date of occurrence of vacancies. In support of this argument, reference was made to the dictums in K.Haridas v. High Court of Kerala, (2000)9 SCC 717 ; O.P.No.4643/2003(C) and Vijayakumar S. v. State of Kerala, 2016(4) KHC 16. On the other hand, it was submitted on behalf of the party respondents that seniority is dependent upon the date of advice and that seniority does not depend on the date of completion of probation or pass in the

test. Admittedly, when the party respondents were considered for promotion in the year 2017, all of them stood qualified and hence the date of passing the tests is immaterial for fixing seniority in the grant of promotion. This is disputed by the petitioners who contend that the eligibility for grant of promotion is to be considered when vacancies arise. Here, vacancies to the higher grades were existing right from the year 2006. It was only because of a order of stay by this Court, promotions were not granted during the period from 2009 to 2017. The petitioners qualified/passed the mandatory departmental tests in January 2009 itself and their probation was declared in May/June 2009. The respondents on the other hand passed the tests for probation and promotion only in July 2009 and January 2010 respectively. Hence promotions ought to be effected from the date when the petitioners became eligible in the year 2009 and there can be no unification of the date of promotion as recommended in Ext.P8, goes the argument of the petitioners.

25. In Chacko (Supra) it has been held that it would be against the

provisions of Rule 28(b)(ii) of KS&SSR to grant promotion to the junior most persons who happened to pass the test earlier if there were several persons qualified to be appointed or eligible to be promoted when the vacancies arose. The Rule does not provide for supersession of a senior who is found to be eligible and suitable on the date of vacancy, in favour of a junior who became eligible or acquired the necessary test qualification earlier. Promotion to the higher grades/posts depend upon passing the eligibility test. As per Rule 28(bb) of KS&SSR promotion shall ordinarily be made with reference to the conditions existing at the time of occurrence of the vacancies and not with reference to those at the time when the question of promotion is taken up. Therefore, when on the date when the vacancies occur, they are sought to be filled up on those days or with effect from those dates, the claim of all persons who are eligible to be considered for appointment on those dates have to be considered.

26. In Suseeladevi (Supra), it was held that a probationer in a Grade

shall not be superseded for promotion to a higher grade by his junior if the vacancy arises within the period of completion of probation and he is otherwise

eligible and suitable for promotion.

27. In Haridas (Supra), the Apex Court was dealing with proviso 1

to Rule 28A of the KS&SSR and Rule 12 of the Criminal Judicial Service Rules. The appellant therein, recruited as Second Class Judicial Magistrate was temporarily promoted to the post of First Class Magistrate. As per Section 12 of the Judicial Service Rules, every person appointed to the service either by direct recruitment or by transfer would be placed on probation for a total period of two years on duty within a continuous period of three years and if appointed according to the terms of appointment, such officers like the appellant were required to pass the examination during the period of probation. The appellant was unsuccessful in his first attempt. Pursuant to the result of the examination, a panel of successful officers was prepared for promotion to the post of Magistrate First Class. These officers were junior to the appellant. As the appellant did not pass the examination, his period of probation was extended. He was reverted to the post of Judicial Magistrate Second Class as he had not passed the examination within the period of his probation. Subsequently, he passed the examination during the course of the extended period of probation. After the appellant passed the examination, he was still shown as junior to the officers who had promoted on the basis of the panel prepared earlier. This was challenged by the appellant. The writ petition and the writ appeal filed were dismissed. When the matter reached the Apex court it was held that the benefit of Rule 28A could not be applied in the case of the appellant. The first proviso to Rule 28A provides that a probationer shall not be superseded for promotion to a higher class or grade by a junior if the vacancy in the higher class/category arises within a period specified in the Rules for completion of probation in the class. The period of probation being two years under Rule 12 of the Judicial Service Rules and the appellant having not passed the examination within the probationary period of two years, the proviso to Rule 28A was not attracted as the appellant passed the required examination during the extended period of probation and therefore he was not entitled to the benefits arising out of the first proviso to Rule 28 of the State Service Rules.

28. In the judgment dated 04.04.2007 in O.P.No.4643/2003(C) a

Single Bench of this Court held referring to Clause 9 of Part II, Chapter 4 of the KUFS and Statute 10 that the University employees are required to pass such Departmental Tests or examinations within such period as may be prescribed by the Syndicate within the period of probation. It cannot be a matter of dispute that the provisions of the K.S&S.S.R. have been made applicable to the University employees and that Rule 28(a) of K.S.&S.S.R. provide that no member of a service or class of a service shall be eligible for promotion from the category in which he was appointed to the service unless he has satisfactorily completed his probation in that category. Rule 28(bb) of K.S. & S.S.R. provides that promotion in a service or class which depends upon the passing of any examination (General or Departmental) shall ordinarily be made with reference to the conditions existing at the time of occurrence of the vacancies and not with reference to those at the time when the question of promotion is taken up for consideration. It is settled law that in the matter of promotion, the date with reference to which the eligibility of the candidates has to be reckoned is the date of occurrence of vacancy. Thus, it was held that for promotion to the post of Assistant Grade I in the Kerala University, passing the departmental test was an essential qualification and only those who have passed the departmental test would be eligible to be considered for promotion.

29. In *Vijayakumar S. (Supra)* a Division Bench of this Court

considered the question whether it was proper to rank juniors whose probation was declared earlier, above their seniors. It was held that there was no anomaly in assigning seniority with reference to the basic requirement of clearance of test for declaration of probation and for promotion as on the date of arising of vacancies. In other words, seniority could be assigned to juniors who had completed probation earlier. Referring to the first proviso to Rule 28(a)(i) of the KS&SSR, it was held that this Rule protects the interest of seniors to some extent, but to attract this proviso, three requirements are to be satisfied, that is, (i) firstly, the vacancy should have arisen during the period of probation; (ii) secondly, the senior should be having the relevant test qualifications prescribed for declaration of promotion and (iii), thirdly, he should be otherwise eligible and suitable for such promotion.

30. Hence we hold that declaration of probation and grant of

promotions to the Assistants in the University shall be based on Rules 28(a) (i); 28 (iA) ; 28 (bb) and 28 (bbb) of the KS & SSR. No Assistant shall be eligible for promotion from the category in which he was appointed to the service unless he has satisfactorily completed his probation in that category. Promotion which depends upon the passing of the departmental tests shall ordinarily be made with reference to the conditions existing at the time of occurrence of the vacancies and not with reference to those at the time when the question of promotion is taken up for consideration. The date with reference to which the eligibility of the candidates has to be reckoned is the date of occurrence of vacancy. Here it is not the year 2006, from which year the vacancies are stated to exist that has to be reckoned because then the petitioners were not even borne in service. If vacancy was existing when the petitioners or the party respondents qualified in the prescribed tests, they are certainly eligible to be promoted to the higher grade. There is no anomaly in assigning seniority with reference to the basic requirement of clearance of test for declaration of probation and for promotion as on the date of arising of vacancies. In other words, seniority can be assigned to juniors who had completed probation earlier subject to the first proviso to Rule 28(a)(i) of the KS&SSR. This proviso is to be applied to protect the interest of the seniors provided (i) the vacancy had arisen during the period of probation; (ii) the senior should be having the relevant test qualifications prescribed for declaration of promotion and (iii), thirdly, the senior should be otherwise eligible and suitable for such promotion.

31. It was further pointed out by the learned Senior counsel for the

petitioners that some of the party respondents have filed W.P. (C)No.6297/2019 and W.P.(C)No.4755/2019 seeking a declaration that there is no requirement of test for promotion and that promotion has to be made irrespective of the passing or date of passing the test. W.P.(C)No.8866/2018 was filed seeking promotion based on Ext.P8 which has been assailed by the petitioners herein. However, in none of these cases, the affected persons have been made parties. The party respondents on the other hand contend that though affected persons have not

been made parties in the said writ petitions, paper publication has been effected which is sufficient notice to the affected parties. We disagree. Publication in the newspaper does not cure the defect of non joinder of necessary parties. There was only a specified and definite number of candidates who were required to be impleaded. It is not as if there was a large unspecified number of people to be affected. In such cases, resort cannot be made to Rule 148 of the Kerala High Court Rules, which Rule can be applied only when very large number of candidates are involved and it is not possible to pin point those candidates with details. Hence, the writ petitions filed by the party respondents will have to fail on the ground of absence of necessary parties in the party array. This is because the prayer sought for in the writs filed by the party respondents if accepted, would result in a total rearrangement of the seniority list by which the seniority and promotion of several employees would be affected. It was thus imperative that all those persons who would be affected, should have been impleaded as they would be adversely affected without being heard [K.H.Siraj v. High Court of Kerala, (2006)6 SCC 395]. In the result, we set aside the impugned judgment and hold thus-

(i) Exts.P1, P2 and P8 are quashed.

(ii) For the Assistants of the Kerala University, passing the departmental tests as mandated in Exts.R1(a) and R1(b) is necessary for declaration of probation and thereafter for promotion to the higher grades/posts.

(iii) Probation shall be declared and promotion granted based on the relevant

provisions of the KS&SSR referred to in paragraph 30 of this judgment. Writ appeals ordered accordingly. W.P.(C)No.27317/2023 is disposed of in the light of the aforesaid directions. Necessary steps shall be taken by the Kerala University within a period of two months from the date of receipt of a copy of this

judgment.

Interlocutory applications, if any pending, shall stand closed. Sd/- AMIT RAWAL
JUDGE Sd/- C.S.SUDHA JUDGE ami/ APPENDIX OF WA 1266/2020

PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE REPRESENTATION DATED CHANCELLOR BY THE PARTY RESPONDENTS AND OTHERS. ANNEXURE A2 TRUE COPY OF THE REPLY FURNISHED IN THE LEGISLATIVE ASSEMBLY DATED 30/01/2018. APPENDIX OF WA 1267/2020 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE RELEVANT PORTION OF THE REPORT OF THE ANOMALY RECTIFICATION COMMITTEE DATED 10/08/2017. ANNEXURE A2 TRUE COPY OF THE REPLY FURNISHED IN THE LEGISLATIVE ASSEMBLY DATED 30/01/2018. APPENDIX OF WA 1428/2020 PETITIONER ANNEXURES ANNEXURE A1 THE TRUE COPY OF THE REPRESENTATION DATED 26.05.2014 SUBMITTED BEFORE THE VICE CHANCELLOR. APPENDIX OF WA 1430/2020 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF REPRESENTATION DATED 26.5.2014 SUBMITTED BEFORE THE VICE CHANCELLOR APPENDIX OF WA 1437/2020 PETITIONER ANNEXURES Annexure A2 The true copy of the written submission dated 23/5/2009 submitted by the 5th respondent Annexure A3 The true copy of the written submission dated 27/5/2009 submitted by the 8th respondent Annexure A4 The true copy of the written submission dated 21/5/2009 submitted by the 6th respondent

Annexure A5 The true copy of the University Order

dated 26/11/2009 declaring probation Annexure A6 The true copy of the circular dated list of assistants Annexure A7 The true copy of the written submission dated 31/10/2013 submitted by the 1st respondent Annexure A8 The true copy of the written submission dated 31/10/2013 submitted by the 2nd respondent Annexure A9 The true copy of the written submission dated 31/10/2013 submitted by the 4th respondent Annexure A10 The true copy of the written submission dated 31/10/2013 submitted by the 5th respondent Annexure A11 The true copy of the written submission dated 31/10/2013 submitted by the 6th respondent Annexure A12 The true copy of the written submission dated 30/10/2013 submitted by the 7th respondent Annexure A13 The true copy of the written submission dated 31/10/2013 submitted by the 8th respondent Annexure A14 The true copy of the written submission dated 31/10/2013 submitted by the 9th respondent Annexure A15 The true copy of the representation dated RESPONDENT EXHIBITS Exhibit

R7(a) True copy of the relevant extract of the preliminary minutes of the 27th meeting of the Syndicate held on 07.05.2021. Exhibit R7(b) True copy of the relevant extract of the

minutes of the meeting of the Senate held

on 14.07.2021 APPENDIX OF WA 1450/2020 PETITIONER ANNEXURES ANNEXURE A1 THE TRUE COPY OF THE REPRESENTATION DATED 26.5.2014 SUBMITTED BEFORE THE VICE CHANCELLOR. APPENDIX OF WA 1454/2020 PETITIONER ANNEXURES ANNEXURE A1 THE TRUE COPY OF THE REPRESENTATION DATED CHANCELLOR. APPENDIX OF WA 1494/2020 PETITIONER ANNEXURES ANNEXURE A1 THE TRUE COPY OF THE REPRESENTATION DATED 26-05-2014 SUBMITTED BEFORE THE VICE CHANCELLOR. APPENDIX OF WP(C) 27317/2023 PETITIONER EXHIBITS Exhibit-P1 TRUE COPY OF ORDER NO. AD.AI.2/6765/17 DATED 23.02.2017 ISSUED BY THE UNIVERSITY OF KERALA Exhibit-P2 TRUE COPY OF THE JUDGMENT IN W.P(C).NO. 1366 OF 2018 DATED 08.09.2020 PASSED BY THIS HON'BLE COURT Exhibit-P3 TRUE COPY OF THE COMMON ORDER DATED 01.10.2020 OF THIS HON'BLE COURT IN W.A. NO. 1266/2020 AND CONNECTED CASES Exhibit-P4 TRUE COPY OF THE INTERIM ORDER DATED 26.02.2021 OF THIS HON'BLE COURT IN W.A. Exhibit-P5 TRUE COPY OF THE ORDER NO.AD.AI.4/7409/19 DATED 09.12.2022 OF THE UNIVERSITY Exhibit-P6 TRUE COPY OF ORDER DATED 13.07.2023 IN CON. CASE(C) NO. 170 OF 2023 IN W.A.NO. Exhibit-P7 TRUE COPY OF THE ORDER NO. 6700/2023/UOK DATED 31.07.2023 ISSUED BY THE UNIVERSITY

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