

Shajid P.P., vs the Corporate Manager,

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Court : Kerala

Decided On : Mar-28-2022

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/2005/2022

Appellant : Shajid P.P.,

Respondent : The Corporate Manager,

Judgement :

WP(C) NO. 2005 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 28TH DAY OF MARCH 2022 / 7TH CHAITHRA, 1944 WP(C) NO. 2005 OF 2022 PETITIONER: SHAJID P.P., AGED 46 YEARS S/. ALI P.P., ASSISTANT PROFESSOR, DEPARTMENT OF MALAYALAM, MES KEVEEYAM COLLEGE, VALANCHERY, RESIDING AT PAMPARAMBIL HOUSE, MOOCHIKKAL, VALANCHERY P.O., MALAPPURAM-676552. BY ADVS. K.R.AVINASH (KUNNATH) ABDUL RAOOF PALLIPATH RESPONDENTS:

1 THE CORPORATE MANAGER, M.E.S AIDED COLLEGES, THE MUSLIM EDUCATIONAL SOCIETY (REGD.), CALICUT, KANNUR ROAD, NADAKKAVU P.O., KOZHIKODE-673011. 2 THE PRINCIPAL, MES-KEVEEYEM COLLEGE, VALANCHERY P.O., MALAPPURAM-676552. 3 SURJITH V.P., ASSISTANT PROFESSOR-DEPARTMENT OF MALAYALAM, MES KALLADI COLLEGE, MANNARKKAD, MANNARKKAD COLLEGE P.O., PALAKKAD-678583. 4 THE STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. BY ADVS. BABY ISSAC ILLICKAL ISAAC KURUVILLA ILLIKAL BABU KARUKAPPADATH, SC SURYA BINOY, SR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 2005 OF 2022 2

JUDGMENT

The petitioner contends that he is presently working as an Assistant Professor in the MES Keveeyam College, Valanchery, an institution managed by the Corporate Management of the Muslim Educational Society.

2. While he was earlier working in the MES Kalladi College,

Mannarkkad, a request was made for transfer to the present institution on medical grounds as reciprocal transfer with the 3rd respondent. His request was granted as per Ext.P1 proceedings and he was posted in the MES Keveeyam College, Valanchery.

3. According to the petitioner, the Government came out with Ext.P3

order fixing the workload in all Aided Arts and Science Colleges in the State.

Ext.P3 order was followed up with Ext.P4 order as per which, Ext.P3 was made effective from 1.6.2020. When certain managements effected several transfers misconstruing the Government orders, the Government came out with Ext.P5 order as per which, the managements were directed to maintain status quo and directions were issued to the management not to revoke the transfers already effected. According to the petitioner, without considering the Government orders, the Corporate Management revoked Ext.P1 order and has issued Ext.P6 order by which, the petitioner has been retransferred. WP(C) NO. 2005 OF 2022 3 Consequently, the Principal of the College in which the petitioner is presently working has issued Ext.P7 relieving order. Contending that Ext.P6 is illegal and arbitrary and against the Government orders, the petitioner has approached this Court seeking to quash Exts.P6 and P7 and for issuance of incidental directions.

4. By an interim order dated 20.1.2022, this Court had ordered that the petitioner shall not be relieved from his present post if he has not already been relieved.

5. A counter affidavit has been filed by respondents 1 and 2 in the writ petition.

6. When the matter was taken up for consideration today, Sri.Isaac

Kuruvila Illikal, the counsel appearing for respondents 1 and 2 submitted that the petitioner herein has filed Ext.P8 representation before the Corporate Educational Agency seeking reconsideration of the transfer order. According to the learned counsel, the same shall be considered in accordance with law and appropriate orders shall be passed.

7. Sri. K.R.Avinash, the learned counsel appearing for the petitioner,

submits that he has no objection in taking such a course. However, it is requested that the right of the petitioner to approach this Court at a later stage, if he is in any way aggrieved by the decision taken by the Corporate Management be reserved.
WP(C) NO. 2005 OF 2022 4

8. Having considered the facts and circumstances and the

submissions made across the bar, there will be a direction to the 1st respondent to consider Ext.P8 request made by the petitioner for reviewing Ext.P6 and P7 orders and take a decision as per procedure and in adherence to the provisions of law with due notice to the petitioner. A decision shall be taken as directed above, within a period of three weeks from the date of production of a copy of this judgment. Sd/- RAJA VIJAYARAGHAVAN V JUDGE IAP WP(C) NO. 2005 OF 2022 5 APPENDIX OF WP(C) 2005/2022 PETITIONER'S EXHIBITS: Exhibit P1 TRUE COPY OF THE PROCEEDINGS OF CORPORATE MANAGER, MES AIDED COLLEGES ORDER NO. MES/AC/E-308/21 DATED 27/05/2021. Exhibit P2 TRUE COPY OF THE RELEVANT PAGES OF THE DISCHARGE SUMMARY OF THE PETITIONER FROM BABY MEMORIAL HOSPITAL-KOZHIKODE DATED Exhibit P3 TRUE COPY OF THE GOVERNMENT ORDER GO(MS) NO.155/2020/HEDN DATED 01/04/2020 OF HIGHER EDUCATION DEPARTMENT. Exhibit P4 TRUE COPY OF THE GO(MS) NO.313/2020/HEDN DATED 11/09/2020 OF HIGHER EDUCATION DEPARTMENT. Exhibit P5 TRUE COPY OF THE LETTER NO. D2/420/2021/HED DATED 31/08/2021 ISSUED BY THE ADDITIONAL CHIEF SECRETARY. Exhibit P6 TRUE COPY OF THE PROCEEDINGS OF THE CORPORATE MANAGER, MES AIDED COLLEGES-

ORDER NO. MES/AC/E-308/22 DATED

Exhibit P7 TRUE COPY OF THE RELIEVING ORDER DATED KEVEEYAM COLLEGE. Exhibit P8 THE TRUE COPY OF THE REQUEST DATED 08.03.2022 SUBMITTED BY THE PETITIONER TO THE CORPORATE MANAGER. RESPONDENTS' EXHIBITS: EXHIBIT R1(a) PHOTOCOPY OF THE ORDER OF THE 5TH RESPONDENT DT.01.01.2022.

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