

Anitha Kumar.S vs the Lbs Centre for Science and Technology

Anitha Kumar.S vs the Lbs Centre for Science and Technology

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Court : Kerala

Decided On : Nov-28-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/1970/2019

Appellant : Anitha Kumar.S

Respondent : The Lbs Centre for Science and Technology

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 21596 OF 2018 PETITIONERS:

1 MARY REENA AGED 45 YEARS, W/O. VINODU GEORGE, PANTHAPALLIL, SHIRIBAGILE P.O, PULIKKOOR, KASARAGOD. RAJASREE RAGHAVAN W/O. SANTHOSH KUMAR C,SANTHOSH MANDIR, MANNAMPURAM,NILESWARAM. 3 DR.PRAVEEN KUMAR K S/O.B.RATNAKARAN NAIR (LATE) ALACJUZH HOUSE,P.O BARE, UDMA, KASARAGOD 671 319 4 SMITHAMOL M.B W/O. PRAVEEN KUMAR V,RAGHAVAM HOUSE, AMBANAD, MURIYAVERI P.O,

ANCHARAKKANDI, KANNUR. 5 VISALAKSHI V W/O. CHANDRAMOHAN, KEERTHANAM PPV, 334B, ERAVIP, PILICODE P.O, KASARAGOD 671 310. 6 JAYAMOHAN JAYARAJ. TC 11/1085,WATTS LANE, CHARACHITHRU, NANDENCODE,THIRUVANANTHAPURAM. 7 SUMASEKHAR W/O.SATHEESH KUMAR, TC 3/1293,PKD ROAD, PATTOM, THIRUVANANTHAPURAM. 8 SAJAN K JOSE S/O.JOSEPH, KORATTIYIL HOUSE, KANNANKARA P.O,THANNER MUKKAM, ALAPPUZHA 688 527. 9 SMITHA E.S W/O.BALARAJ P.R, ENGOOR HOUSE, VALAPPAD P.O, THRISSUR. 10 JAYALEKSHMI S W/O. SHIBU J, MUKALUVILA - SOUPARNIKA, KUZHIMATHICADU P.O, KUNDARA, KOLLAM 691 509. BY ADV SRI.V.N.RAMESAN NAMBISAN

:2: RESPONDENTS:

1 THE DIRECTOR, LBS CENTRE FOR SCIENCE AND TECHNOLOGY THIRUVANANTHAPURAM 695 001. 2 THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT) KERALA THIRUVANANTHAPURAM, PIN 695 001. 3 THE PRINCIPAL LBS COLLEGE OF ENGINEERING, KASARAGOD 671 121. 4 THE PRINCIPAL LBS INSTITUTE OF TECHNOLOGY FOR WOMEN, POOJAPPURA, THIRUVANANTHAPURAM 695 001. BY ADVS. SMT.SHAMEENA SALAHUDHEEN, SC, LBS CENTRE FOR SCIENCE AND TECHNOLOGY SMT.K.G.SAROJINI -GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).1970/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 1577 OF 2019 PETITIONER:

ANVER S R AGED 41 YEARS ASSOCIATE PROFESSOR, CSE DEPARTMENT, LBS INSTITUTE OF ENGINEERING AND TECHNOLOGY, KASARGODE. BY ADVS. S.KRISHNAMOORTHY SMT.SNEHA ROSE RESPONDENTS: 1 DIRECTOR OF TECHNICAL EDUCATION HIGHER EDUCATION(G)DEPARTMENT, EAST FORT, TRIVANDRUM-695001. 2 THE DIRECTOR, LBS CENTR FOR SCIENCE AND TECHNOLGY, TRIVANDRUM-695001. 3 THE PRINCIPAL ACCOUNTANT GENERAL(AUDIT)KERALA, TRIVANDRUM-695001. 4 THE PRINCIPAL, LBS COLLEGE OF ENGINEERING, KASARAGODE-671121. BY ADVS. SMT.SHAMEENA SALAHUDHEEN GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).21596/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :4:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 1970 OF 2019 PETITIONER: ANITHA KUMARI.S ASSOCIATE PROFESSOR, COMPUTER SCIENCE AND ENGINEERING, LBS INSTITUTE OF TECHNOLOGY FOR WOMEN, POOJAPPURA, THIRUVANANTHAPURAM-695 001 BY ADVS. P.K.MANOJKUMAR SMITHA S.PILLAI ALICE THOMAS M.C.SINY RESPONDENTS: 1 THE LBS CENTRE FOR SCIENCE AND TECHNOLOGY PALAYAM, THIRUVANANTHAPURAM - 695001, REPRESENTED BY ITS DIRECTOR 2 LBS INSTITUTE OF TECHNOLOGY FOR WOMEN, POOJAPPURA, THIRUVANANTHAPURAM-695 001, REPRESENTED BY ITS PRINCIPAL 3 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001 BY ADV SMT.SHAMEENA SALAHUDHEEN THIS WRIT PETITION (CIVIL) HAVING COME UP

FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).21596/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :5:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 23131 OF 2018 PETITIONERS:

1 MANOJ KUMAR.G. ASSOCIATE PROFESSOR, CSE DEPARTMENT, LBS INSTITUTE OF ENGINEERING & TECHNOLOGY, POOJAPPURA,TRIVANDRUM. 2 SMT. SHEEBA K. ASSOCIATE PROFESSOR, ECE DEPARTMENT, LBS COLLEGE OF ENGINEERING, MULIYUR P.O., KASARGODE. 3 SMT. SREELATHA S. ASSOCIATE PROFESSOR, CSL DEPARTMENT, LBS COLLEGE OF ENGINEERING & TECHNOLOGY, POOJAPPURA, TRIVANDRUM. 4 DR. ABDUL RAHMAN PROFESSOR, CSE DEPARTMENT, LBS INSTITUTE OF ENGINEERING & TECHNOLOGY, POOJAPPURA,TRIVANDRUM. BY ADV SRI.S.KRISHNAMOORTHY

RESPONDENTS:

1 DIRECTOR OF TECHNICAL EDUCATION HIGHER EDUCATION (G) DEPARTMENT, EAST FORT, TRIVANDRUM-695 001. 2 THE DIRECTOR LBS CENTRE FOR SCIENCE & TECHNOLOGY, TRIVANDRUM-695 001. 3 THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT) KERALA TRIVANDRUM-695 001. 4 THE PRINCIPAL LBS COLLEGE OF ENGINEERING, KASARGODE-671 121. 5 THE PRINCIPAL LBS COLLEGE OF ENGINEERING & TECHNOLOGY, POOJAPPURA, TRIVANDRUM-695 012. BY ADV SMT.SHAMEENA SALAHUDHEEN, SC, LBS CENTRE FOR SCIENCE AND TECHNOLOGY

:6: THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).21596/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :7:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 24819 OF 2018 PETITIONER: P.P. SHIJU AGED 45 YEARS, S/O PADMANABHAN, AGED 45 YEARS, PUTHENPURAYIL HOUSE, PUTHUKAD,THATTAMPADI, NORTH PARAVUR, ERNAKULAM DISTRICT,NOW RESIDING AT 'SREEVALSAM', SANRA A-38, SANKARAN NAIR ROAD, PERUKAVU.P.O, THIRUVANANTHAPURAM,PIN:695573. BY ADV SRI.BIJIMON C.CHERIAN RESPONDENTS: 1 THE DIRECTOR, LBS CENTRE FOR SCIENCE AND TECHNOLOGY EXTRA POLICE ROAD,NANDAVANA, THIRUVANANTHAPURAM,PIN-695033. 2 THE DIRECTOR OF TECHNICAL EDUCATION PADMAVILASAM STREET, FORT P.O, THIRUVANANTHAPURAM, PIN-695023. 3 THE PRINCIPAL ACCOUNTANT GENERAL(AUDIT)KERALA, THIRUVANANTHAPURAM,PIN-695001. BY ADV SMT.SHAMEENA SALAHUDHEEN, SC, LBS CENTRE FOR SCIENCE AND TECHNOLOGY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).21596/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :8:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 1688 OF 2019 PETITIONER: ANITHA KUMARI S., ASSOCIATE PROFESSOR, COMPUTER

SCIENCE AND ENGINEERING LBS INSTITUTE OF TECHNOLOGY FOR WOMEN, POOJAPPURA, THIRUVANANTHAPURAM-695001. BY ADVS. N.NANDAKUMARA MENON (SR.) SRI.P.K.MANOJKUMAR SMT.SMITHA S.PILLAI SMT.ALICE THOMAS SMT.M.C.SINY RESPONDENTS: 1 THE LBS CENTRE FOR SCIENCE AND TECHNOLOGY, PALAYAM, THIRUVANANTHAPURAM - 695001. REPRESENTED BY ITS DIRECTOR 2 LBS INSTITUTE OF TECHNOLOGY FOR WOMEN, POOJAPPURA, THIRUVANANTHAPURAM-695001, REPRESENTED BY ITS PRINCIPAL. 3 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001. SMT.SHAMEENA SALAHUDEEN - SC , SMT.K.G. SAROJINI - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).1970/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :9:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 2021 OF 2019 PETITIONER: P.P. SHIJU, AGED 46 YEARS S/O PADMANABHAN, PUTHENPURAYIL HOUSE, PUTHUKAD, THATTAMPADI, NORTH PARAVUR, ERNAKULAM DISTRICT NOW RESIDING AT SREEVALSAM, SANRA A-38, SANKARAN NAIR ROAD, PERUKAVU P.O., THIRUVANANTHAPURAM-695573. BY ADV BIJIMON C.CHERIAN RESPONDENTS: 1 THE DIRECTOR, L.B.S. CENTRE FOR SCIENCE AND TECHONOLOGY, EXTRA POLICE ROAD, NANDAVANAM, THIRUVANANTHAPURAM-695033. 2 THE DIRECTOR OF TECHNICAL EDUCATION, PADMAVILASAM ROAD, FORT P.O., THIRUVANANTHAPURAM-695023. 3 THE PRINCIPAL ACCOUNTANT GENERAL(AUDIT) KERALA, THIRUVANANTHAPURAM-695001.

SMT.SHAMEENA SALAHUDEEN - SC , SMT.K.G. SAROJINI - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).1970/2019 AND CONNECTED CASES,, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: : 10 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 WP(C) NO. 9148 OF 2019 PETITIONER: DR.VINODU GEORGE S/O.P.J.GEORGE, PANTHAPALLIL HOUSE, PULIKKOOR, SHIRIBAGILE P.O., KASARAGODE - 671 124, (PRESENTLY WORKING AS PROFESSOR, DEPARTMENT OF COMPUTER SCIENCE, LBS ENGINEERING COLLEGE, KASARAGODE.) BY ADV V.N.RAMESAN NAMBISAN RESPONDENTS: THE DIRECTOR, LBS CENTRE FOR THE SCIENCE AND TECHNOLOGY THIRUVANANTHAPURAM - 695 001 THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT) KERALA, THIRUVANANTHAPURAM, PIN - 695 001 THE PRINCIPAL, LBS COLLEGE OF ENGINEERING, KASARAGOD - 671 121 SMT.SHAMEENA SALAHUDEEN - SC , SMT.K.G. SAROJINI -GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.11.2022, ALONG WITH WP(C).1970/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: : 11 :

DEVAN RAMACHANDRAN, J.

===== W.P.(C) Nos. 21596/2018, 23131/2018,
===== Dated this the 28th November, 2022

JUDGMENT

These cases present analogous factual circumstances and are edified on common legal contentions; and hence, I propose to dispose them of together through this judgment.

2. For the sake of convenience, W.P.(C)No. 1970/2019 will be treated as the lead case; and otherwise specified, the narration of documents will be as marked therein.

3. I have heard Sri.N.Nandakumara Menon - learned

Senior Counsel, instructed by Sri.P.M.Manoj Kumar, learned counsel appearing for the petitioners in W.P.(C)Nos.1970/2019 and 1688/2019; Sri.V.N.Ramesan Nambisan - learned counsel for the petitioners in W.P.(C)Nos.21596/2018 and 9148/2019; Sri.S.Krishnamoorthy - learned counsel for the petitioners in W.P.(C)Nos.23131/2018 and 1577/2019; Sri.Bijimon C.Chерian - learned counsel for the petitioners in W.P.(C)Nos. 24819/2018 and 2021/2019; Smt.Shameena Salahudheen - learned Standing : 12 : Counsel for the LBS Centre for Science and Technology and Smt.K.G.Sarojini - learned Government Pleader appearing for the official respondents.

4. I do not propose to indite a very long judgment, because the facts involved are not really in dispute.

5. Suffice to say, the petitioners in these cases were

appointed either as Lecturers or Assistant Professors, in the services of the LBS Centre for Science and Technology, Thiruvananthapuram, (hereinafter referred to as the 'LBS Centre', for short) in different Colleges under it. They submit that those who were appointed as Lecturers were redesignated as Assistant Professors and continued in such position, until they were promoted as Associate Professors. They say that a Wage Revision was implemented in the services of the 'LBS Centre' with notional effect from 01.01.2006; but they were granted arrears under it only with effect from 01.04.2011. They explain that this was done as per the applicable Regulations of the All India Council for Technical Education (AICTE); but that, in spite of this, an Audit Objection appears to have been raised to the

effect that they were all granted pay scales in the post of Assistant Professors, which were not eligible to them. : 13 :

6. Sri.N.Nandakumara Menon - learned Senior Counsel

and the various other counsel appearing for the parties, pointed out that, going by the impugned order of the 'LBS Centre', namely Ext.P5, instead of answering the incorrect Audit Objections, they have chosen to implement it, holding that their clients were not eligible to be granted the Pay Scale of Rs.37,400-67,000 with Rs.9000 AGP, when they were redesignated as Assistant Professors.

7. The learned Senior Counsel and the counsel argued that,

even going by the AICTE Regulations, a higher scale of pay was eligible to the petitioners after three years of their service; and that since all of them were redesignated as Assistant Professors and promoted as Associate Professors later, fixation of their pay could never have been called into question. They explain that, however, on account of the confusion created by the implementation of the revised pay scale with effect from 01.01.2006, the Audit Department appears to have misdirected themselves to believe that petitioners were given a higher scale of pay even before they had completed three years in the post of Assistant Professors.

8. The learned Senior Counsel and the learned counsel for

: 14 : the petitioners further pointed out to Ext.P8 order of the Government, dated 03.03.2012, to the effect that the Clauses which, inter alia, mandate that an Assistant Professor must complete three years of service, for being entitled to higher scale of pay, are applicable only for career advancement and not for promotion to sanctioned posts; and that since the petitioners were all appointed to such posts, the aforesaid Audit objections are inapplicable, as far as they are concerned.

9. Sri.N.Nandakumara Menon - learned Senior Counsel,

thereafter showed me that, in Ext.P9 order of the Government issued on 14.01.2019 - which is addressed to the LBS Centre, approval has been granted for

payment of arrears based on the Pay Revision with effect from 01.04.2011; with a concomitant direction to them to inform the Audit Department and to clear the objections. The learned Senior Counsel reiterated that, instead of doing so, the LBS Centre has now issued the impugned order, seeking recovery of large amounts of money from his client, as also the petitioners in these cases; and that, pursuant thereto, amounts have already been recovered from some of them.

10. The learned Senior Counsel and the learned counsel for

: 15 : the petitioners, thus vehemently pray that impugned orders be set aside and the LBS Centre be directed to act as per the directives given to them by the Government in Ext.P9 order, dated 14.01.2019.

11. Smt.Shameena Salahudeen - learned Standing Counsel

for the LBS Centre, however, refuted the afore allegations, saying that her client was obligated to act as per the Audit objections; and therefore, that the impugned orders are without error. She pointed out that, according to the applicable Regulations of the AICTE, an Assistant Professor who has not completed three years of service as on 01.01.2006, was entitled only to the pay scale of Rs.15,600 - 39,100/- with AGP of Rs.8,000/-; and would be eligible to the higher scale of Rs.37,400 - 67,000/- with Rs.9,000/- AGP only thereafter. She explained that, however, in this case, the pay revision was implemented with effect from 01.01.2006 and all the Lecturers were redesignated as Assistant Professors from that date, which led to the controversy projected in this case, because, they were all then granted higher scale of pay, without verifying whether they had completed three years of service in the said post. She submitted that, therefore, the LBS Centre had no other option, : 16 : but to issue the impugned orders and thus prayed that this writ petition be dismissed.

12. After saying as afore, Smt.Shameena Salahudeen,

further explained that her client has not received either Ext.P8 or Ext.P9 orders of the Government until now and therefore, that they are not sure as to how it applies. But, to a pointed question from this Court she argued that, if Ext.P8

applies to the LBS Centre, certain Clauses of the Pay Revision order are seen to be applicable only for Career Advancement and not for promotion to sanctioned posts, which she concedes the petitioners were afforded. She, however, added that Ext.P8 is no longer relevant because same has been modified through a subsequent order of the Government dated 28.05.2012 - which has been produced along with the counter affidavit filed in W.P. (C).No.1970 of 2019 and marked as Annexure R1(b); but, conceded that the provisions of Clause (b) in Ext.P8 have been carried forward to this order also - it being incorporated as Clause (b) therein.

13. The learned Government Pleader - Smt.K.G.Sarojini,

submitted that Government has no role to play in this case, after Exts.P8, P9 and Annexure R1(b) clarifications had been issued. : 17 : She added that therefore, she leaves it to this Court to take an apposite decision.

14. As I have said in the prefatory paragraphs of this judgment, the facts involved are not in dispute and the controversy is also in a very small compass.

15. The petitioners were all recruited as Lecturers, and

were redesignated as Assistant Professors with effect from 01.01.2006, consequent to the order of Revision of Pay Scales. This is the genesis of the controversy, because the Audit Department raised an objection to the effect that the applicable Regulations of the AICTE would not permit an incumbent Assistant Professor to a higher scale of pay, unless he/she had put in three years of service as on 01.01.2006. However, in this case, since the pay revision was implemented with effect from 01.01.2006, all the petitioners were given the higher scale of pay of Rs.37,400 - 67,000/- with Rs.9000/- AGP with effect from that date; without verifying if they had completed three years of service as Assistant Professors; but which they assert, was only on a notional basis, thus making them eligible to arrears only with effect from 01.04.2011 - as is evident from Ext.P8 in W.P. (C).No.21596 of 2018. The Audit Department, however, has : 18 : taken a technical objection that petitioners could not have been admitted, either notionally or factually, to the higher scale of pay, unless they had completed three years of

service in the post of Assistant Professor and the LBS Centre appears to have acceded to this, by issuing the impugned orders.

16. However, there is an intervening event, namely, that

the Government transpires to have issued Ext.P8 order as early as on 03.03.2012 - the clauses of which in favour of the petitioners herein having been carried forward in the subsequent Annexure R1(b) - clarifying that certain clauses of the order of Pay Revision could be applicable only for promotions through Career Advancement stream, and not to regular promotions to sanctioned posts. It is without contest that petitioners were all promoted to sanctioned posts.

17. That being said, further clarification of the Government

namely, Ext.P9 dated 14.01.2019, makes the position far more luculent that petitioners were given arrears with effect from 01.04.2011, and that this has been found to be correct by the said Authority. In fact, thereafter, the Government directed the LBS Centre to take up the issue with the Audit Department and clear their objections. : 19 :

18. The LBS Centre, does not appear to have acted as

per Ext.P9, and this is presumably because the learned counsel Smt.Shameena Salahudeen says that they never received it. Perhaps, if it were otherwise, the matter would not have reached this stage because, the LBS Centre could have easily taken up the matter with the Audit Department and sought that their objections be cleared, taking note of Ext.P8 also.

19. I am therefore, firm in my mind that no action based on

the impugned orders of the LBS Centre can be now allowed to be taken forward, until they comply with Ext.P9 directives of the Government taking note of the clarifications in Ext.P8 and Annexure R1(b). Resultantly, these writ petitions are allowed, with the following directions:

(a) The orders of the LBS Centre impugned in all these writ petitions are quashed.

(b) The LBS Centre is granted liberty to act in terms

of Ext.P9 order of the Government dated 14.01.2019 - produced along with W.P.(C).No.1970 of 2019; and to take up the matter with the Audit Department, so as to clarify and regularise the : 20 : audit objections in terms of Ext.P8 and Annexure R1(b) orders.

(c) If, for any reason, the Audit objections are to be

sustained by the competent Authority, I leave full liberty to the petitioners to challenge the same appropriately; for which purpose, all their contentions are left open.

(d) If, on the contrary, the Audit objections are to be

dropped, then the LBS Centre will issue appropriate consequential orders, releasing the amounts recovered from the petitioners - within a period of three months from the date of such proceedings. Sd/- DEVAN RAMACHANDRAN JUDGE akv/anm : 21 : APPENDIX OF WP(C) 21596/2018 PETITIONERS' EXHIBITS EXHIBIT P1 TRUE COPY OF ORDER NO. B7/1029/2007 (II) DATED 31-10-2007 ISSUED BY THE 1ST RESPONDENT DIRECTOR, LBS ENGINEERING COLLEGE. EXHIBIT P2 TRUE COPY OF ORDER NO. B7/4981/2012 DATED 9-11-2012 OF THE 1ST RESPONDENT DIRECTOR, LBS ENGINEERING COLLEGE. EXHIBIT P3 TRUE COPY OF ORDER B7/4949/2013 DATED 31- 12-2013 OF PROMOTION OF THE 6TH AND 8TH PETITIONERS. EXHIBIT P4 TRUE COPY OF ORDER NO. E/1235/2012(32) DATED 03-11-2012 OF THE 3RD RESPONDENT PRINCIPAL REVISING THE PAY SCALE OF THE 1ST PETITIONER. EXHIBIT P4(A) TRUE COPY OF PAY FIXATION STATEMENT AS PER AICTE SCHEME-2006 EXHIBIT P5 TRUE COPY OF THE ORDER NO. E1- THE 3RD RESPONDENT PRINCIPAL EXHIBIT P6 TRUE COPY OF THE ORDER NO. B7/AUDIT ENQUIRY NO. 20/2017 DATED 26-05-2018 ISSUED BY THE 1ST RESPONDENT DIRECTOR

EXHIBIT P7

TRUE COPY OF THE ORDER G.O(P) NO.EXHIBIT P8

NO.93/G1/2012/H.EDN DATED 3-3-2012 OF THE PRINCIPAL SECRETARY. EXHIBIT P10 TRUE COPY OF THE REPRESENTATION DATED 23-6-2018 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT. EXHIBIT P11 TRUE COPY OF THE ORDER NO.B7/3769/2013 DATED 22.1.2019 ISSUED BY 1ST RESPONDENT

EXHIBIT P12 TRUE COPY OF THE PAY RE-FIXATION ORDER

NO.E1-3342/2017/LBSCEK DATED 31.1.2019 ISSUED BY 3RD RESPONDENT.

EXHIBIT P13 TRUE COPY OF THE RECOVERY ORDER

NO.LBSCE/A2/1920/2017(2/3) DATED 13.03.2019 ISSUED BY 3RD RESPONDENT. : 22 : APPENDIX OF WP(C) 1577/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE LETTER NO.93/G1/2012/H.EDN DATED 3.3.2012.

EXHIBIT P2 TRUE COPY OF THE ORDER

NO.B7/4981/2012,DATED 9.11.2012. EXHIBIT P3 TRUE COPY OF THE ORDER NO.E/668/LBT/2012 DATED 6.8.2012. EXHIBIT P4 TRUE COPY OF THE PROCEEDINGS NO.E1EXHIBIT P5 TRUE COPY OF THE ORDER G O (MS)NO.373/12/H.EDN DATED 30.7.12. EXHIBIT P6 TRUE COPY OF THE ORDER DATED 3.7.18 IN WRIT PETITION NO.215965 OF 18. RESPONDENTS' EXHIBITS ANNEXURE R2(a) A TRUE COPY OF THE RELEVANT EXTRACT COPY OF THE AICTE REGULATION,2010 ANNEXURE R2(b) A TRUE COPY OF THE G.O.(P) 389/10/H.EDN DATED 7.12.2010

ANNEXURE R2(c) A TRUE COPY OF THE ORDER

NO.12207/G1/2012/H.EDN, DATED 28.5.2012 ANNEXURE R2(d) A TRUE COPY OF THE EXTRACT OF THE STATE AUDIT REPORT : 23 : APPENDIX OF WP(C) 1970/2019 PETITIONER EXHIBITS EXHIBIT P1 THE PHOTOSTAT COPY OF THE ORDER OF PROMOTION NO.B7/1029/2007(II) DATED

EXHIBIT P2 THE PHOTOSTAT COPY OF THE ORDER

NO.B7/1029/2007 DATED 20/2/2009 ISSUED BY THE DIRECTOR, LBS CENTRE FOR SCIENCE AND TECHNOLOGY, TVM. EXHIBIT P3 THE PHOTOSTAT COPY OF THE GOVERNMENT

ORDER G.O.(P) NO.389/10/H/EDN. DATED

EXHIBIT P4 THE PHOTOSTAT COPY OF THE FIXATION STATEMENT ASPER AICTE SCHEME 2006 ISSUED BY THE PRINCIPAL, 2ND RESPONDENT. EXHIBIT P5 THE PHOTOSTAT COPY OF THE PROCEEDINGS NO.B7/AUDIT ENQUIRY NO.20/2017 DATED EXHIBIT P6 THE PHOTOSTAT COPY OF THE REPRESENTATION DATED 18/6/2018 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT. EXHIBIT P7 THE PHOTOSTAT COPY OF THE ORDER NO.B7 AUDIT ENQUIRY NO.20/2017 DATED 27/6/2018 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P8 THE PHOTOSTAT COPY OF THE LETTER NO.93/G1/2012/H.EDN. DATED 3/3/2012 ISSUED BY THE GOVERNMENT. EXHIBIT P9 THE PHOTOSTAT COPY OF THE LETTER

NO.J/80/2017 DATED 14/01/2019 ISSUED BY THE UNDER SECRETARY, FOR GOVERNMENT PRINCIPAL SECRETARY, THIRUVANANTHAPURAM.

RESPONDENTS' EXHIBITS ANNEXURE R1(a) A TRUE COPY OF THE RELEVANT EXTRACT COPY OF THE AICTE REGULATION, 2010 ANNEXURE R1(b) ORDER NO. 12207/G1/2012/H.EDN. DATED 28- 5-2012 ANNEXURE R1(c) A TRUE COPY OF THE EXTRACT OF THE STATE AUDIT REPORT ANNEXURE R1(d) A TRUE COPY OF THE COMMUNICATIONS ISSUED BY THE DIRECTOR LBS ANNEXURE R1(e) TRUE COPY OF THE UNDERTAKING FILED BY THE PETITIONER. : 24 : APPENDIX OF WP(C) 23131/2018 PETITIONERS' EXHIBITS EXHIBIT P1: TRUE COPY OF THE ORDER G.O(P) NO.389/10/H.EDN DATED 7.12.2010. EXHIBIT P2: TRUE COPY OF THE LETTER NO.93/G1/2012/H.EDN DATED 3.3.2012. EXHIBIT P3: TRUE COPY OF THE ORDER NO.B7/4981/2012, DATED 9.11.2012. EXHIBIT P4: TRUE COPY OF THE PAY FIXATION STATEMENT OF IST PETITIONER. EXHIBIT P5: TRUE COPY OF THE ORDER NO.E/668/LBT/2012 DATED 6.8.2012. EXHIBIT P6:

TRUE COPY OF THE PROCEEDINGS NO.B7/AUDIT ENQUIRY NO.20/2017 DATED 26.5.2018. EXHIBIT P7: TRUE COPY OF THE ORDER G O(MS) NO.373/12/H.EDN DATED 30.7.12. EXHIBIT P8: TRUE COPY OF THE ORDER DATED 3.7.2018 IN WRIT PETITION NO.21596 OF 18. RESPONDENTS' EXHIBITS ANNEXURE R2(a) A TRUE COPY OF THE RELEVANT EXTRACT COPY OF THE AICTE REGULATION,2010 ANNEXURE R2(b) ORDER NO. 12207/G1/2012/H.EDN. DATED 28- 5-2012 ANNEXURE R2(c) A TRUE COPY OF THE EXTRACT OF THE STATE AUDIT REPORT ANNEXURE R2(d) A TRUE COPY OF THE REQUEST DATED 21-06- 2018 SUBMITTED BY THE 1ST PETITIONER ANNEXURE R2(e) A TRUE COPY OF THE COMMUNICATIONS ISSUED BY THE DIRECTOR LBS ANNEXURE R2(f) TRUE COPY OF THE UNDERTAKING FILED BY THE 2ND PETITIONER. : 25 : APPENDIX OF WP(C) 24819/2018 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE RANK LIST PUBLISHED BY THE 1ST RESPONDENT EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN W.A.NO.1813/2010 EXHIBIT P3 TRUE COPY OF THE RELEVANT PAGES OF G.O(P)NO.389/10/H.EDN. EXHIBIT P4 TRUE COPY OF LETTER NO:93/G1/2012/H.EDN ISSUED TO THE 2ND RESPONDENT EXHIBIT P5 TRUE COPY OF G.O(MS)NO.373/12/H.EDN. EXHIBIT P6 TRUE COPY OF THE ORDER B7/AUDIT ENQUIRY NO.20/2017 ISSUED BY 1ST RESPONDENT EXHIBIT P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO THE 1ST RESPONDENT EXHIBIT P8 TRUE COPY OF THE ORDER NO:B7/AUDIT ENQUIRY NO.20/2017 ISSUED BY 1ST RESPONDENT. EXHIBIT P9 TRUE COPY LETTER ISSUED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF KERALA HAS ISSUED LETTER NO:J1/80/2017/H.EDN. DATED 14.01.2019. RESPONDENTS' EXHIBITS ANNEXURE R1(a) A TRUE COPY OF THE RELEVANT EXTRACT COPY OF THE AICTE REGULATION, 2010 ANNEXURE R1(b) ORDER NO.12207/G1/2012/H.EDN, DATED 28.5.2012 ANNEXURE R1(c) A TRUE COPY OF THE EXTRACT OF THE STATE AUDIT REPORT ANNEXURE R1(d) A TRUE COPY OF THE REQUEST DATED 16.6.2018 SUBMITTED BY THE PETITIONER ANNEXURE R1(e) A TRUE COPY OF THE COMMUNICATIONS ISSUED BY THE DIRECTOR LBS ANNEXURE R1(f) TRUE COPY OF THE UNDERTAKING FILED BY THE PETITIONER. : 26 : APPENDIX OF WP(C) 1688/2019

PETITIONER EXHIBITS EXHIBIT P1 THE PHOTOSTAT COPY OF THE ORDER OF PROMOTION NO.B7/1029/2007(ii) DATED 31.10.2007 ISSUED BY THE 1ST RESPONDENT EXHIBIT P2 THE PHOTOSTAT COPY OF THE NO OBJECTION

CERTIFICATE NO.B7/3818/2007 DATED 16.7.2007 ISSUED BY THE 1ST RESPONDENT TO THE PRINCIPAL, POOJAPPURA EXHIBIT P3 THE PHOTOSTAT COPY OF THE MEMO DATED JANUARY 2008 ISSUED BY THE ASSISTANT REGISTRAR (ACAD.V),(ENGINEERING)DEGREE (BY RESEARCH), TO THE PETITIONER EXHIBIT P4 THE PHOTOSTAT COPY OF THE NO OBJECTION CERTIFICATE NO.B7/2276/2007 DATED 19.5.2010 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER EXHIBIT P5 THE PHOTOSTAT COPY OF THE MEMO NO.ADM/438/PH.D./2010-2011 DATED 25.5.2010 ISSUED BY THE NATIONAL INSTITUTE OF TECHNOLOGY CENTRE, CALICUT EXHIBIT P6 THE PHOTOSTAT COPY OF THE CERTIFICATE REGARDING THE PRE-REGISTRATION CONTACT PROGRAMME UNDER TAKEN BY THE PETITIONER IN THE NIT KARNATAKA NO.NITK/AD(PG&R)/QIP(ENGG)/2012 DATED 30.4.2012

EXHIBIT P7 THE PHOTOSTAT COPY OF THE ORDER

NO.B7/1740/2012 DATED 16.7.2012, ISSUED BY THE 1ST RESPONDENT TVM

EXHIBIT P8 THE PHOTOSTAT COPY OF THE ORDER

NO.E/10/2001/LBSITW DATED 17.7.2012 ISSUED BY THE 2ND RESPONDENT EXHIBIT P9 THE PHOTOSTAT COPY OF THE RELIEVING CERTIFICATE DATED 12.10.2011 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER EXHIBIT P10 THE PHOTOSTAT COPY OF THE BOND EXECUTED

BY THE PETITIONER IN FAVOUR OF THE CENTRE, QIP FOR HIGHER STUDIES FOR PH.D AT NITK SURATHKAL, FOR A PERIOD OF 3 YEARS, FROM 17.7.2012 EXHIBIT P11 THE PHOTOSTAT COPY OF THE ORDER ISSUED BY THE PRINCIPAL, LBS INSTITUTE GRANTING HALF PAY LEAVE TO THE PETITIONER NO.E1/763/LBSITW/2014(1) DATED 19.9.2015 : 27 : EXHIBIT P12 THE PHOTOSTAT COPY OF THE RELIEVING

CERTIFICATE NO.CCE/NITK/QIP(REG)/REL. CERTIFICATE/80/2015-16 DATED 15.12.2015 ISSUED BY THE CO-ORDINATOR, QIP CENTRE, NITK SURATHKAL, TO THE PETITIONER EXHIBIT P13 THE PHOTOSTAT COPY OF THE NOTICE NO.E1/210/2018/LBSITW(2) DATED 23.2.2018 ISSUED BY THE PRINCIPAL, 2ND RESPONDENT TO THE PETITIONER EXHIBIT P14 THE PHOTOSTAT COPY OF THE SPONSORSHIP CERTIFICATE DATED 12.10.2011 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXHIBIT P15 THE PHOTOSTAT COPY OF THE ORDER

NO.B7/AUDIT ENQUIRY NO.20/2017 DATED 17.12.2018 ISSUED BY THE 1ST RESPONDENT EXHIBIT P16 PHOTOSTAT COPY OF THE CERTIFICATE (REG NO.121174CS12 FO1) DATED 25.04.2019, DOCTOR OF PHILOSOPHY ISSUED BY THE NATIONAL INSTITUTE OF TECHNOLOGY, KARNATAKA, SURATHKAL. EXHIBIT P17 PHOTOSTAT COPY OF THE MEMO NO. THE ASSISTANT REGISTRAR (ACD.V) 7 AND 8 FOR REGISTRAR EXHIBIT P18 PHOTOSTAT COPY OF THE ORDER NO. B7/5535/2013 DATED 10.05.2019 ISSUED BY THE DIRECTOR, LBS CENTRE FOR SCIENCE AND TECHNOLOGY TO THE PETITIONER RESPONDENTS' EXHIBITS ANNEXURE R1(a) A TRUE COPY OF THE RELEVANT EXTRACT OF GAZETTE NOTIFICATION OF THE CLARIFICATION TO AICTE REGULATION, 2010 DATED 06-01 ANNEXURE R1(b) A TRUE COPY OF THE JUDGEMENT IN CHRISTY JAMES JOSE & OTHERS VS STATE OF KERALA & OTHERS (CIVIL APPEAL NO.4604 OF 2016 & CONNECTED CASES) DATED 26-04-2016

ANNEXURE R1(c) A TRUE COPY OF THE EXTRACT OF THE AUDIT ENQUIRY NO.25. : 28 : APPENDIX OF WP(C) 2021/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 31.10.2007 EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN WA.1813/2010 DATED 1.9.2015 EXHIBIT P3 TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 10.6.2009 EXHIBIT P4 TRUE COPY OF THE LETTER NO.B7/2276/07 (i) ISSUED BY THE 1ST RESPONDENT DATED 12.11.2007 EXHIBIT P5 TRUE COPY OF THE LETTER NO.B7/4528/2008 ISSUED BY THE 1ST RESPONDENT DATED 3.3.2009 EXHIBIT P6 TRUE COPY

OF THE I.A. NO.10046/2009 FILED BY WPC.5731/2008 BY THE PETITIONER DATED 20.6.2009 EXHIBIT P7 TRUE COPY OF THE I.A. NO.11552/2009 FILED IN WPC.5731/2008 BY THE PETITIONER DATED 19.9.2009 EXHIBIT P8 TRUE COPY OF THE LETTER NO.E/769/2007 LBT ISSUED TO THE PETITIONER DATED 20.11.2009 EXHIBIT P9 TRUE COPY OF THE LETTER NO.B7/2276/2007 ISSUED BY THE 1ST RESPONDENT DATED 11.11.2010 EXHIBIT P10 TRUE COPY OF THE ORDER NO.B7/4273/2011 ISSUED BY THE 1ST RESPONDENT DATED 10.11.2011 EXHIBIT P11 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM COLUMBIA ASIA HOSPITAL, KOLKATA DATED 13.10.2013 EXHIBIT P12 TRUE COPY OF THE NERVE CONDUCTION STUDY REPORT ISSUED FROM KIMS HOSPITAL THIRUVANANTHAPURAM DATED 14.10.2013 EXHIBIT P13 TRUE COPY OF THE PRINTOUT OF THE OVERALL STATUS OF PETITIONER'S RESEARCH AVAILABLE IN THE OFFICIAL WEBSITE OF IIT KHARAGPUR DATED 31.12.2018 EXHIBIT P14 TRUE COPY OF THE RELEVANT PAGES OF THE REGULATION OF PH.D. PROGRAMME, IIT KHARAGPUR DATE NIL EXHIBIT P15 TRUE COPY OF THE EXPLANATION ISSUED BY THE PETITIONER TO 1ST RESPONDENT DATED 26.5.2017 : 29 : EXHIBIT P16 TRUE COPY OF THE NOTICE NO.E1/210/2018/LBSITW (1) ISSUED TO THE PETITIONER DATED 23.2.2018 EXHIBIT P17 TRUE COPY OF THE ORDER NO.B7/AUDIT ENQUIRY NO.20/2017 ISSUED BY THE 1ST RESPONDENT DATED 17.12.2018 RESPONDENTS' EXHIBITS ANNEXURE R1(a) A TRUE COPY OF THE RELEVANT EXTRACT OF GAZETTE NOTIFICATION OF THE CLARIFICATION TO AICTE REGULATION, 2010 DATED 6.1.2016 ANNEXURE R1(b) A TRUE COPY OF THE JUDGMENT IN CHRISTY

JAMES JOSE & OTHERS VS STATE OF KERALA & OTHERS (CIVIL APPEAL NO.4604 OF 2014 & CONNECTED CASES) DATED 26.4.2016 ANNEXURE R1(c) A TRUE COPY OF THE EXTRACT OF THE AUDIT ENQUIRY NO.25 : 30 : APPENDIX OF WP(C) 9148/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE ORDER ISSUED NO.B7/1029/2017 (ii) DATED 31.10.2007 ISSUED BY THE 1ST RESPONDENT DIRECTOR, LBS ENGINEERING COLLEGE EXHIBIT P2 TRUE COPY OF ORDER NO.B7/AUDIT ENQUIRY NO.20/2017 DATED 4.2.2018 OF THE 1ST RESPONDENT DIRECTOR, LBS

ENGINEERING COLLEGE

EXHIBIT P3 TRUE COPY OF THE ORDER

NO.LBSCE/A2/1920/2017 (3/3) DATED 13.3.2019 ISSUED BY 3RD RESPONDENT. EXHIBIT P3(a) TRUE COPY OF THE PAY FIXATION STATEMENT NO.E1-3342/2017/LBSCEK DATED 31.01.2019 ISSUED BY 3RD RESPONDENT.

EXHIBIT P4 TRUE COPY OF RELEVANT PAGE OF THE ORDER

G.O.(P) NO.389/2010/H.EDN DATED 07.12.2010 EXHIBIT P5 TRUE COPY OF THE ORDER G.O.(MS) NO.373/12/H.EDN DATED 30.07.2012 EXHIBIT P6 TRUE COPY OF THE ORDER NO.93/G1/2012/H.EDN DATED 3.3.2012 OF THE PRINCIPAL SECRETARY.

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