

Udayakumar.V vs State of Kerala

Udayakumar.V vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1451100

Court : Kerala

Decided On : Oct-13-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/4173/2021

Appellant : Udayakumar.V

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 13TH DAY OF OCTOBER 2022 / 21ST ASWINA, 1944 WP(C) NO. 21320 OF 2019 PETITIONER: SANTHI K.J, AGED 44 YEARS, W/O. RAJESH M.K, ASSISTANT SECTION OFFICER, UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O., THENHIPALAM, MALAPPURAM DISTRICT, PIN-673 635, PERMANENTLY RESIDING AT SANTHI BHAVAN, EANIKKARA, KARAKULAM P.O., THIRUVANANTHAPURAM, PIN-695 564. BY ADVS.P.T.DINESH SRI.M.A.SHAJI RESPONDENTS:

1 A.P.J.ABDUL KALAM TECHNOLOGICAL UNIVERSITY, APJ ABDUL KALAM TECHNOLOGICAL University, CET CAMPUS, THIRUVANANTHAPURAM-695 016, REPRESENTED BY ITS REGISTRAR. 2 THE VICE CHANCELLOR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, THIRUVANANTHAPURAM-695 016. 3 COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, SOUTH KALAMASSERY, KOCHI-682 022, REPRESENTED BY ITS REGISTRAR. 4 KANNUR UNIVERSITY, THAVAKKARA, CIVIL STATION P.O KANNUR-670 002, REPRESENTED BY ITS REGISTRAR. 5 SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, ERNAKULAM DISTRICT-683 574, REPRESENTED BY ITS REGISTRAR. 6 MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS, ATHIRAMPUZHA P.O, KOTTAYAM-686 562, REPRESENTED BY ITS REGISTRAR. 7 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. 8 SAJEEV P, ASSISTANT, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, THIRUVANANTHAPURAM-695 016. 9 ASHOK KUMAR K.M, ASSISTANT SECTION OFFICER, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, ERNAKULAM DISTRICT-683 574. -2- 10 PRASAD T.S, ASSISTANT SECTION OFFICER (PRESENTLY ON PROVISIONAL PROMOTION HOLDING THE POST OF SECTION OFFICER), SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, ERNAKULAM. 11 ASHIQ A HAQ, ASSISTANT SECTION OFFICER (PRESENTLY ON PROVISIONAL PROMOTION HOLDING THE POST OF SECTION OFFICER), SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, ERNAKULAM. 12 AZEEM RASHEED B, ASSISTANT, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, THIRUVANANTHAPURAM-695 016. 13 SURESH BABU G, ASSISTANT, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, THIRUVANANTHAPURAM-695 016. 14 THE

UNIVERSITY OF CALICUT, THENJIPALAM, CALICUT UNIVERSITY P.O., MALAPPURAM DISTRICT, PIN-673635, REPRESENTED BY ITS REGISTRAR. BY ADVS.SHRI.ELVIN PETER, SC, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY SRI.S.P.ARAVINDAKSHAN PILLAI, SC, COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY SRI.M.SASINDRAN SRI.P.C.SASIDHARAN, CALICUT UNIVERSITY SRI.SURIN GEORGE IPE, SC, M.G. UNIVERSITY SRI.VISHNU S.CHEMPAZHANTHIYIL I.V.PRAMOD, KANNUR UNIVERSITY SHRI.DINESH MATHEW J.MURICKEN, SC, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, SRI.JOSHY THANICKAMATTAM, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.10.2022 ALONG WITH WP(C)NO.4173/2021, 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 THURSDAY, THE 13TH DAY OF OCTOBER 2022 / 21ST ASWINA, 1944 WP(C) NO. 4173 OF 2021 PETITIONERS: 1 UDAYAKUMAR.V, AGED 40, SON OF VIDHYADHARAN, CLERICAL ASSISTANT, M.G.UNIVERSITY, PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM-686562. 2 SHIJU Y.J., AGED 37, SON OF YESUDAS, CLERICAL ASSISTANT, M.G.UNIVERSITY, PRIYADARSHINI HILLS, ATHIRAMPUZHA, KOTTAYAM-686562. BY ADVS.S.EASWARAN SRI.P.MURALEEDHARAN (IRIMPANAM) SRI.P.SREEKUMAR (THOTTAKKATTUKARA) SMT.K.V.RAJESWARI RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT ANNEXE 2, THIRUVANANTHAPURAM-695001. 2 APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, ALTHARA, AMBADY NAGAR, THIRUVANANTHAPURAM-695016, REPRESENTED BY ITS

REGISTRAR. 3 SURESHKUMAR V.S., CLERICAL ASSISTANT, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, ALTHARA, AMBADY NAGAR, THIRUVANANTHAPURAM-695016. 4 PRASANTH T., CLERICAL ASSISTANT, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, ALTHARA, AMBADY NAGAR, THIRUVANANTHAPURAM-695016. -4- 5 SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, REPRESENTED BY ITS REGISTRAR. BY ADVS.ELVIN PETER P.J. SRI.VISHNU S.CHEMPAZHANTHIYIL SRI.S.PRASANTH (AYYAPPANKAVU) DINESH MATHEW J.MURICKEN SRI.JOSHY THANICKAMATTAM, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.10.2022 ALONG WITH WP(C)NO.21320/2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -5- C.R.

JUDGMENT

[WP(C)NO.21320/2019, W.P.(C)No.4173/2021] The A.P.J. Abdul Kalam Technological University (hereinafter referred to as Technological University for short), was created by the A.P.J. Abdul Kalam Technological University Act, 2015 (Technological University Act for short), transferring all technological

courses from various other Universities standards of education.

2. In the Technological University Act, a schedule was incorporated, including six Universities - namely, the University of Kerala,

University of Calicut, Mahatma Ga

-6- University of Calicut and the Kannur University - with a stipulation in Section 7 thereof, that the staff of the Universities so enumerated, who

are affected by the establishment

University.

3. The Government, thereafter, created 16 posts of Assistants in the Technological University, based on which, said University issued a notification, bearing No.ATU/A/333/2016 dated 11.08.2016, calling for applications from regular employees of the Universities mentioned in the afore schedule of the Technological University Act, to exercise option to come over to their services, making it clear that the selected employees will be bound to serve it, their options deemed to be final. -7-

4. It transpires that employees from the various Universities applied and some of them were appointed, while the others were not. This

is led to the controversy projected in
nor were they appointed by the "Technological University".

5. I am considering these two writ petitions together because, at the essence of its factual pleadings and the reliefs, sought

for, is the assertion that the petition
challenge.

6. In W.P.(C)No.21320/2019, the argument of the petitioner - who is now serving the Calicut University - is that allotment of posts, from out of the aforementioned 16, to her University -8-

is insufficient and therefore, that the "Technological University" must be directed to redo the appointments, thus to include her also. In substantiation of this plea, she says that

Section 7(3) of the "Technological University Act" Un

specified in the Schedule of the "Technological University Act and who are affected by the establishment of the "Technological University", can alone be given options for being appointed in its services.

7. Sri.P.T.Dinesh - learned counsel for the

petitioner in W.P.(C)No.21320/2019, pointed out that, concededly, not a single College or course was de-linked from the Sree Sankaracharya University of Sanskrit and therefore, that even if it is included in the Schedule to the "Technological University Act, none of its -9- employees could have been offered the option of exercising a choice to come over to the "Technological University".

8. As a supplementary argument,

Sri.P.T.Dinesh submitted that distribution of posts to each of the Universities, as now done by the "Technological University", is incorrect, since their own Executive Committee had taken a decision that same will be dependent on the loss suffered by each of such Universities, due to the delinking of the Colleges and the Courses.

His specific assertion is that, if this criterion had been adopted, then larger number of posts could have been allotted to the employees of the Calicut University than the present three.

9. Sri.P.T.Dinesh concluded his

submissions, saying that, even if the allotment made by the "Technological University", as of -10- now, is found to be proper - without admitting it - the allocation of an additional seat to the employees of the Mahatma Gandhi University (M.G.University, for short) is in error, because that ought to have been granted only to the Calicut University, even going by the Scheme which they have adopted.

10. As far as W.P.(C)No.4173/2021 is concerned, the petitioners therein are working in the M.G.University and they assail the Schedule in the Technological University Act, to the extent to which the Sree Sankaracharya

University of Sanskrit, Kalady, has been included therein. Their specific contention is that this University had no technological course or colleges under it and hence, was not in any manner - even remotely - affected by the constitution of the "Technological University". They argue that, therefore, if the Schedule is -11- set

aside, then the vacancies now earmarked to them by the "Technological University", would have to be distributed to other Universities; and that they may perhaps obtain an opportunity of exercising options against the same.

11. I have heard Sri.P.T.Dinesh - learned

counsel for the petitioner in
Standing Counsel for the "Technologic
Counsel for the Sree Sankaracharya University of
Sanskrit; Sri.Surin George Ipe -

-12- S.Chempazhanthiyil appearing for Respondent No.8

in W.P.(C)No.21320/2019, as also respondents
appearing for the official respondents.

12. As I have already noticed, the offer of option to the employees of other Universities

can be made by the "Technological University" only under the provisions of Section 7 of the Technological University Act. This Section has five sub-sections, out of which, three and four thereof have particular interest in these cases.

13. As per Sub-section (3) of Section 7 of the Technological University Act, the non- teaching staff of any of the Universities included in its Schedule and who are affected by the establishment of the "Technological University", may give option for being appointed in the latter, which will be considered by it as -13- per the conditions and terms prescribed.

14. As far as Section 7(5) of the Technological University Act is concerned, it stipulates that the existing teaching and non-

teaching staffs of any of the Univers

"Technological University", can be appointed in the services of the latter, by inviting options; and that the Government may, by notification in the Gazette, determine such appointments, transfer and the norms thereof.

15. Sri.Elvin Peter P.J. - learned Standing Counsel for the "Technological University", submitted that the notification issued by his

client in this case - which is produced as Ext.P3 in W.P.(C)No.21320/2019 - was issued not under Section 7(3), but under Section 7(5) of the "Technological University Act. He explained -14- that there was absolutely nothing in the said Act prescribing the manner in which the

"Technological University" is to deal with various applications of options preferred by the employees of other Universities, at the time of the genesis of the controversy in these cases - though admitting that, as at present, after the coming into force of the First Statutes of the University, there is such - and therefore, that his client had to adopt rational and reasonable

criteria for consideration and appointment of the employees, who made their options.

16. Sri.Elvin Peter P.J. added that, for the

afore purpose, the "Technological University" went by the Schedule and decided to treat every six posts as a block, and to allot it to each of the Universities in sequence. He explained that, since there were only two applicants from the Kerala University, after the first two blocks -15- were so exhausted, the balance four out of the 16 posts available were distributed between the remaining Universities, with an additional one being given to the M.G.University, only because the number of applicants from them exceeded that from every other University. He added that the "Technological University" acted bona fide in doing so, since they thought it fit to distribute the vacancies in an equitable manner as per the Statutory Scheme; and thus prayed that contentions of the petitioners to the contrary be repelled.

17. Sri.Elvin Peter P.J., thereafter, submitted that the arguments of the petitioner in W.P.(C)No.21320/2019 are untenable, because the modus statutorily prescribed

through Section 7 of the Technological University Act is not

intended to offer succor to the various Universities who have been affected by -16- delinking of the Colleges or courses from them, but it designs an opportunity to its employees

to seek employment in the services of

distributed the posts in proportion to the loss suffered by each of the other Universities, is not only unacceptable, but without any tenable basis. He thus reiteratingly prayed that these writ petitions be dismissed.

18. Sri.P.T.Dinesh - learned counsel for the

petitioner in W.P.(C)No.21320/2019, in re

decisions of its own Executive Committee and he referred to Ext.P14 in substantiation. He pointed out that, as per the same, the Executive -17- Committee limpidly decided that options shall be invited from the six Universities included in the Schedule to the "Technological University Act in their order of getting affected.

19. Sri.P.T.Dinesh asserted that the afore

can only be interpreted to mean that

therefore, that since the Calicut University is equally affected as the Kerala University and the M.G.University - if not more, they ought to have been granted higher number of seats, going by such proportion. He then argued that, even assuming the present method of allotment by the "Technological University" is accepted, the

grant of an additional post to

-18- "Technological University Act, that vacancy - which ought to have gone to the Kerala University, but for the fact that there were no applicants from it - could have been granted only to the Calicut University and that his client would have then certainly been appointed.

20. Sri.S.Easwaran - learned counsel for the petitioners in W.P.(C)No.4173/2021, adopted most of the afore submissions of Sri.P.T.Dinesh;

supplementing it, asserting that inclusion of Sree Sankaracharya University of Sanskrit in the Schedule to the "Technological University Act was, even at the inception, wrong and illegal. He submitted that this Schedule was introduced only for the purpose of Section 7 of the "Technological University Act; and hence, when it is admitted that no College or course had been delinked from it when the "Technological University" had been brought into life, there -19- was no requirement for it to have been included therein; and that, therefore, in any event, no one from the said Universities could have been offered options to be made for being absorbed by the "Technological University". He prayed that, therefore, this Court declare the Schedule to the "Technological University Act - to the extent to which it includes 'Sree Sankaracharya University of Sanskrit' - to be illegal and unconstitutional.

21. The various standing counsel for other Universities and the learned Government Pleader did not have any specific comments to make on the controversy projected, but they took the position that their clients will abide by any decision to be taken by this Court in these writ petitions.

22. Sri.Vishnu S.Chempazhanthiyil - learned counsel for the party respondents in - 20- these matters, submitted that his clients were

appointed validly pursuant to a notific

added that, in any event, each of his clients were selected by the "Technological University" based on the seniority they enjoyed in their parent Universities; and that petitioners in these cases do not even whisperingly have a case that their seniority had been upset, in any manner whatsoever.

23. Sri.Vishnu S.Chempazhanthiyil

concluded his submissions saying that, pertinently, at the time when his clients were appointed, the petitioners in these cases were much lower in rank in their parent Universities and thus being incapable of even making their options. He also

thus prayed that these writ -21- petitions be dismissed.

24. The afore narrative of the rival contentions render it perspicuous that there are broadly two issues impelled for distribution of 16 posts in favour of various Universities included in the Schedule in the Schedule to the "Technological University Act is illegal; thus with a corollary query whether appointment of its erstwhile employees by the "Technological University, under the notification in question, can be construed to be vitiated.

25. On the first of the afore issues, it is virtually without contest that the -22- "Technological University Act does not have any stipulation as to the manner in which said University must act, while making appointments under the provisions of Section 7 thereof.

26. As seen above, Sections 7(3) and 7(5) of the "Technological University Act give discretion to the "Technological University" to call for options from the employees of other

Universities and to appoint them; however, subject to the terms and conditions as may be prescribed, or in the manner the Government may, by notification in the Gazette, determine.

27. Obviously, therefore, it was incumbent upon the Technological University to have devised and adopted a reasonable modus for filling up the 16 vacancies; for which, a

notification was issued, calling for options from the employees of other Universities. What they have done is to distribute these 16 -23- vacancies among all the Universities included in

the Schedule to the "Technological Univ intelligible criteria available statutorily, or otherwise, in doing so.

28. Of course, the Technological University's Executive Committee appears to have taken a decision that the posts shall be distributed to other six Universities in their

order of getting affected and this is

interpreted by Sri.P.T.Dinesh - learned counsel for the petitioner in W.P.(C)No.21320/2019, to mean that this postulates an assessment of the actual loss suffered by each of such Universities, thus being eligible to be granted the number of posts in proportion thereof.

29. I am afraid that the afore interpretation of the petitioner in -24- W.P.(C)No.21320/2019 cannot find my favour, because the Executive Committee of the Technological University was only referring to the Universities who are affected, and when they

used the word "in the order", they
Schedule to the "Technological University Act.

30. That said, the further argument of the petitioners in these cases, that the "Technological University" ought to have adopted a better method adhering to a more apposite criteria, certainly may be possible, but cannot be imposed upon the said University, because it

is now well established in law, that
freedom and discretion statutorily sanctioned.

31. That brings me to the next argument -25- of Sri.P.T.Dinesh that, even if the method now adopted by the "Technological University" is found to be correct, the distribution presently made, namely, of granting one more seat to the

M.G.University is illegal, also does

certainly, is rationale and reasonable. When the said University says that the one vacancy which became available - on account of insufficient applicants from the

Kerala University - was offered to the employees of the M.G.University because the number of applicants from it were much higher, it surely appeals to reason and to commonsense and is not so perverse or shocking, so as to force this Court to step in and interdict the same.

32. As far as the arguments of -26-

Sri.S.Easwaran, on the question of inclusion of Sree Sankaracharya University of Sanskrit in the Schedule to the "Technological University Act is concerned, I must say that it is certainly on terra firma, because when Sections 7(3) and 7(5) of the "Technological University Act specify that only the employees of those universities who are affected by the creation of Sanskrit makes no sense because, admittedly and without contest, they suffered no loss in said University.

33. Normally, therefore, the appointment

of employees of Sree Sankaracharya University of Sanskrit into the "Technological University" -27- would come under a cloud; but I do not choose to speak about it in this judgment, because it would offer no benefit to the petitioners in either of these writ petitions. This is because,

while the petitioner in W.P.(C)No.21320/20

facts on record, the M.G.University has been

allotted four posts out of 16 and a further one becomes impossible even if the two vacancies now allotted to the Sree Sankaracharya University of Sanskrit are directed to be distributed to other Universities in their order in the Schedule to the "Technological University Act.

34. I must, however, record the

submissions of Sri.Elvin Peter P.J., at this juncture that, being aware of the situation as argued by Sri.S.Easwaran, the Technological -28- University has decided not to offer options to the employees of the Sree Sankaracharya University of Sanskrit in future.

35. Similarly, as far as the petitioner

in W.P.(C)No.21320/2019 is concerned, she would also get no benefit if this Court is to find against the appointments of the employees of Sree Sankaracharya University of Sanskrit, because those two vacancies would also have to go to the other two Universities in the Schedule, and not to the Calicut University. That apart, the petitioner in this writ petition is admittedly placed Rank No.20 in the Seniority List in her parent University and hence, it is unlikely that she will obtain any benefit, even

if her contentions are accepted.

The argumen

promoted in the parent University also would not -29- be of any avail to the petitioner, because Ext.P14 renders it absolutely clear that an applicant who had been promoted, after he/she had made an option, would nevertheless be obliged to join the "Technological University"; and the notification makes it unreservedly clear that such options are final. In summation, I find no reason to interfere with the actions of the "Technological University" and therefore, dismiss these writ petitions without any further orders. Sd/- DEVAN RAMACHANDRAN JUDGE akv - 30- APPENDIX OF WP(C) 21320/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE GO(MS) NO 1/2016/H.EDN DATED 1.1.2016 BY THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION (J) DEPARTMENT , GOVERNMENT OF KERALA EXHIBIT P2 TRUE COPY OF THE GO(MS) NO 174/2016/H.EDN DATED 6.8.2016 BY THE JOINT SECRETARY TO GOVERNMENT, HIGHER EDUCATION (J) DEPARTMENT , GOVERNMENT OF KERALA EXHIBIT P3 TRUE COPY OF THE CIRCULAR NO KTU/A33/2016 DATED 11.8.2016 BY THE REGISTRAR OF APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT P4 TRUE COPY OF THE CIRCULAR NO 5814/AD-K-ASST- R/2016/ADMN DATED 12.8.2016 BY THE DEPUTY REGISTRAR OF THE UNIVERSITY OF CALICUT EXHIBIT P5 TRUE COPY OF

THE SENIORITY LIST OF NO 149959/AD-A-ASST-1/2016/ADMN DATED 22.8.2016 BY THE DEPUTY REGISTRAR, ADMINISTRATION (A) SECTION, UNIVERSITY OF CALICUT.

EXHIBIT P6 TRUE COPY OF THE ORDER NO KTU/A/333/2016 DATED 24.7.2017 BY THE REGISTRAR OF THE 1ST RESPONDENT UNIVERSITY
EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 15.12.2018 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT UNIVERSITY
EXHIBIT P8 TRUE COPY OF THE JUDGMENT DATED 28.3.2019 IN WPC NO 9089/2019
EXHIBIT P9 TRUE COPY OF THE ORDER NO KTU/ASST(ADMIN) APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY
EXHIBIT P10 TRUE COPY OF THE INFORMATION SOUGHT ON 21.1.2019 BY ANUPAMA.M. -31-
EXHIBIT P11 TRUE COPY OF THE LETTER NO KTU/A/364/2015 DATED 25.2.2019 BY THE STATE PUBLIC INFORMATION OFFICER, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY
EXHIBIT P12 TRUE COPY OF THE INFORMATION SOUGHT BY

RAJESH ON 29.3.2019 UNDER THE RIGHT TO INFORMATION ACT FROM THE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT UNIVERSITY

EXHIBIT P13 TRUE COPY OF THE LETTER NO KTU/364/2015 DATED 3.5.2019 BY THE STATE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT UNIVERSITY
EXHIBIT P14 TRUE COPY OF THE MINUTES OF THE 14TH EXECUTIVE COMMITTEE MEETING OF APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY HELD ON 30.6.2017 AT 3.P.M.
EXHIBIT P15 TRUE COPY OF THE U.O NO 9357/2019/ADMN DATED 16.7.2019 BY THE ASSISTANT REGISTRAR OF THE CALICUT UNIVERSITY.
EXHIBIT P16 TRUE COPY OF THE G.O.(MS) NO.278/2019/HEDN DATED 5/8/2019 BY THE GOVERNMENT OF KERALA, HIGHER EDUCATION (J) DEPARTMENT
EXHIBIT P17 TRUE COPY OF THE G.O(MS)NO.280/2019/HEDN DATED 5/8/2019 BY THE GOVERNMENT OF KERALA, HIGHER EDUCATION (J) DEPARTMENT
EXHIBIT P18 TRUE COPY OF THE RELEVANT PART OF THE FILE NO. 7 KTU/ASST(ADMIN)/56/2019 BY THE 1ST RESPONDENT UNIVERSITY.

EXHIBIT P19 TRUE COPY OF THE PROCEEDING NO.KTU/A/333/2016 DATED 31.07.2017 BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY EXHIBIT P20 TRUE COPY OF THE PROCEEDING NO.KTU/A/333/2016 DATED 18.10.2017 BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT P21 TRUE COPY OF THE PROCEEDING NO. KTU/

-32- ASST(ADMIN)/1737/2019 DATED 20.03.2019 BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT P22 TRUE COPY OF THE GO (P) NO. 28/2020/H.EDN DATED 7.8.2020 (SRO NO. 480/2020) BY THE PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION (J) DEPARTMENT, GOVERNMENT OF KERALA. EXHIBIT P23 TRUE COPY OF THE RELEVANT PART OF THE APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, FIRST STATUTES 2020. EXHIBITS ALONG WITH MEMO DATED 08.09.2021 EXHIBIT P10 TRUE COPY OF THE ENGLISH TRANSLATION OF THE INFORMATION SOUGHT ON 21.1.2019 BY ANUPAMA.M. EXHIBIT P11 TRUE COPY OF THE ENGLISH TRANSLATION OF THE LETTER NO KTU/A/364/2015 DATED 25.2.2019 BY THE STATE PUBLIC INFORMATION OFFICER, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT P12 TRUE COPY OF THE ENGLISH TRANSLATION OF THE INFORMATION SOUGHT BY RAJESH ON 29.3.2019 UNDER THE RIGHT TO INFORMATION ACT FROM THE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT UNIVERSITY EXHIBIT P13 TRUE COPY OF THE ENGLISH TRANSLATION OF LETTER NO KTU/364/2015 DATED 3.5.2019 BY THE STATE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT UNIVERSITY

EXHIBIT P23 TRUE COPY OF THE ENGLISH TRANSLATION OF RELEVANT PART OF THE APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, FIRST STATUTES 2020. -33- RESPONDENT EXHIBITS EXHIBIT R8 1 TRUE COPY OF THE ACT 17 OF 2015 I.E. THE APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY ACT 2015 RELEVANT PAGES . EXHIBIT R8 2 TRUE COPY OF THE G.O.(MS)NO.1/2016/H.EDN.

DATED 01.01.2016 ISSUED BY THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION (J) DEPARTMENT, GOVERNMENT OF KERALA.

EXHIBIT R8 3 TRUE COPY OF G.O.(MS)NO. 174/2016/HEDN DATED 06.08.2016 ISSUED BY THE JOINT SECRETARY, HIGHER EDUCATION (J) DEPARTMENT, GOVERNMENT OF KERALA. EXHIBIT R8 4 TRUE COPY OF CIRCULAR NO.KTU/A/333/2016 DATED 11.8.2016 ISSUED BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT R8 5 TRUE COPY OF PROCEEDINGS NO.KTU/A/333/2016 DATED 24.7.2017 ISSUED BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT R8 6 TRUE COPY OF PROCEEDINGS

NO.KTU/ASST(ADMIN)/1737/2019 DATED 20.03.2019 ISSUED BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY EXHIBIT R8 7 TRUE COPY OF REQUEST DATED 13.8.2019 SUBMITTED BY THE 8TH RESPONDENT UNDER RTI ACT TO THE PUBLIC INFORMATION OFFICERS OF MG UNIVERSITY/CUSAT/KANNUR UNIVERSITY/CALICUT UNIVERSITY. EXHIBIT R8 8 TRUE COPY OF LETTER NO.161712/AD-A-ASSTMN DATED 20.9.2019 ISSUED BY THE DEPUTY REGISTRAR FOR THE PUBLIC INFORMATION OFFICER), UNIVERSITY OF THE 8TH RESPONDENT. EXHIBIT R8 9 TRUE COPY OF LETTER NO.ADMIN/AD2019 DATED 21.8.2019 ISSUED BY THE ASSISTANT REGISTRAR & SPIO, KANNUR UNIVERSITY TO THE 8TH RESPONDENT. -34- EXHIBIT R8 10 TRUE COPY OF LETTER NO.AD.A1/RIA/06/2018 DATED 26.8. 2019 ISSUED BY THE PUBLIC INFORMATION OFFICER & DEPUTY REGISTRAR (ADMN.LL), COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY TO THE 8TH RESPONDENT. EXHIBIT R8 11 TRUE COPY OF LETTER NO.32954/AD 9/AS A 1 DATED 4.9.2019 ISSUED BY THE DEPUTY REGISTRAR 1 (ADMIN) & PUBLIC INFORMATION OFFICER, MAHATMA GANDHI UNIVERSITY TO THE 8TH RESPONDENT. -35- APPENDIX OF WP(C) 4173/2021

PETITIONER EXHIBITS EXHIBIT P1 COPY OF ORDER DATED 4.7.2018 PROMOTING THE 1ST PETITIONER AS CLERICAL ASSISTANT ISSUED BY THE M.G.UNIVERSITY. EXHIBIT P2 COPY OF ORDER DATED 12.6.2018

ISSUED BY THE M.G.UNIVERSITY PROMOTING THE 2ND PETITIONER AS CLERICAL ASSISTANT. EXHIBIT P3 COPY OF G.O.(MS) NO.1/2016/H.EDN. DATED 1.1.2016 ISSUED BY THE GOVERNMENT. EXHIBIT P4 COPY OF CIRCULAR DATED 11.8.2016 ISSUED BY THE 2ND RESPONDENT INVITING OPTION TO VARIOUS POSTS IN THE UNIVERSITY. EXHIBIT P5 COPY OF NOTIFICATION DATED 28.1.2021 ISSUED BY THE 2ND RESPONDENT. EXHIBIT P6 COPY OF APPLICATION FOR OPTION DATED 3.2.2021 ALONG WITH THE CIRCULAR DATED 1.2.2021 SUBMITTED BY THE 1ST PETITIONER. EXHIBIT P7 COPY OF APPLICATION FOR OPTION DATED

2.2.2021 SUBMITTED BY THE 2ND PETITIONER EXERCISING OPTION TO COME OVER TO THE 2ND RESPONDENT UNIVERSITY. EXHIBIT P8 COPY OF APPLICATION SUBMITTED BY JAIMON A. JOHN UNDER THE RTI ACT ALONG WITH THE REPLY DATED 4.11.2020 ISSUED TO HIM BY THE STATE PUBLIC INFORMATION OFFICER. EXHIBITS ALONG WITH MEMO FILED BY THE COUNSEL FOR THE PETITIONERS

EXHIBIT P1 TRUE COPY OF ENGLISH TRANSLATION OF ORDER

DATED 4.7.2018 PROMOTING THE 1ST PETITIONER AS CLERICAL ASSISTANT ISSUED BY THE MG UNIVERSITY.

EXHIBIT P2 TRUE COPY OF ENGLISH TRANSLATION OF ORDER

-36- DATED 12.06.2018 ISSUED BY THE UNIVERSITY PROMOTING THE 2ND PETITIONER AS CLERICAL ASSISTANT. EXHIBIT P8 TRUE COPY OF ENGLISH TRANSLATION OF APPLICATION SUBMITTED BY JAIMON A.JOHN UNDER THE RTI ACT ALONG WITH THE REPLY DATED 4.11.2020 ISSUED TO HIM BY THE STATE PUBLIC INFORMATION OFFICER. RESPONDENT EXHIBITS EXHIBIT R4(1) TRUE COPY OF THE ACT 17 OF 2015 I.E. THE APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY ACT 2015. EXHIBIT R4(2) TRUE COPY OF THE G.O.(MS)NO.1/2016/H.EDN. DATED 01-01-2016 ISSUED BY THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION (J) DEPARTMENT, GOVERNMENT OF KERALA.

EXHIBIT R4(3) TRUE COPY OF G.O.(MS)NO. 174/2016/HEDN DATED 06-08-2016 ISSUED BY THE JOINT SECRETARY, HIGHER EDUCATION (J) DEPARTMENT, GOVERNMENT OF KERALA. EXHIBIT R4(4) TRUE COPY OF CIRCULAR NO. KTU/A/333/2016 DATED 11-8-2016 ISSUED BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT R4(5) TRUE COPY OF PROCEEDINGS NO.KTU/A/333/2016 DATED 19-7-2017 ISSUED BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT R4(6) TRUE COPY OF PROCEEDINGS NO.KTU/A/333/2016 DATED 8-3-2019 ISSUED BY THE REGISTRAR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY. EXHIBIT R4(7) TRUE COPY OF REQUEST DATED 13-8-2019 UNDER

RTI ACT TO THE PUBLIC INFORMATION OFFICERS OF MG UNIVERSITY/CUSAT/KANNUR UNIVERSITY/CALICUT UNIVERSITY. EXHIBIT R4(8) TRUE COPY OF LETTER NO.161712/AD-A-ASST- DEPUTY REGISTRAR (FOR THE PUBLIC INFORMATION -37- OFFICER), UNIVERSITY OF CALICUT. EXHIBIT R4(9) TRUE COPY OF LETTER NO.ADMIN/AD- A1/17340/2019 DATED 21-8-2019 ISSUED BY THE ASSISTANT REGISTRAR &SPIO, KANNUR UNIVERSITY. TRUE COPY OF LETTER NO. AD.A1/RIA/06/2018 DATED 26-08-2019 ISSUED BY THE PUBLIC EXHIBIT R4(10) INFORMATION OFFICER & DEPUTY REGISTRAR (ADMN.II), COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY. EXHIBIT R4(11) TRUE COPY OF LETTER NO.32954/AD A1/4/2019/AD A1 DATED 4-9-2019 ISSUED BY THE DEPUTY REGISTRAR I (ADMIN) & PUBLIC INFORMATION OFFICER, MAHATMA GANDHI UNIVERSITY. TRUE COPY OF COMMUNICATION NO. FIN I/RTI/2020-21 DATED 15-9-2021 ISSUED BY THE EXHIBIT R4(12) FINANCE OFFICER & PUBLIC INFORMATION OFFICER, COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY. EXHIBIT R4(13) TRUE COPY OF COMMUNICATION NO.0396/R.T.I.2/2021-22 DATED 9-9-2021 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER (I/C), UNIVERSITY OF KERALA. EXHIBIT R4(14) TRUE COPY OF COMMUNICATION NO. FINB1/1915/RTI/2021 DATED 16-8-2021 ISSUED BY THE DEPUTY REGISTRAR & THE STATE PUBLIC INFORMATION OFFICER, FINANCE BRANCH, KANNUR UNIVERSITY.

EXHIBIT R4(15) TRUE COPY OF COMMUNICATION NO.9063/FIN-BUD-ASSISTANT REGISTRAR (FOR THE PUBLIC INFORMATION OFFICER), UNIVERSITY OF CALICUT. EXHIBIT R4(16) TRUE COPY OF COMMUNICATION NO.1110/AD A3/2022/MGU DATED 02.02.2022 ISSUED BY THE REGISTRAR, MG UNIVERSITY. EXHIBIT R4(17) TRUE COPY OF THE JOINING REPORT DATED 03.02.2022 OF THE 2ND RESPONDENT/2ND -38-PETITIONER. ANNEXURE-R1(a) TRUE COPY OF THE ORDER G.O.(MS)NO.278/2019/ HEDN DATED 05.08.2019.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com