

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C) .No.4592 OF 2018 (Y)

PETITIONER/S:

DR.G.RADHAKRISHNA PILLAI
SANTHI BHAVAN, SOORANAD NORTH P.O.KOLLAM

BY ADVS.
SRI.GEORGE POONTHOTTAM (SR.)
SRI.RIJI RAJENDRAN
SMT.NISHA GEORGE

RESPONDENT/S:

- 1 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM- 695 001
- 2 UNIVERSITY OF KERALA
SENATE HOUSE CAMPUS, PALAYAMTHIRUVANANTHAPURAM- 695
034 REPRESENTED BY THE REGISTRAR

R1 BY GOVERNMENT PLEADER
R1 BY SRI.P.G.PRAMOD, GOVERNMENT PLEADER
R2 BY ADV. SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF
KERALA

OTHER PRESENT:

GP SRI B HARISH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-03-2021, ALONG WITH WP(C).1592/2018(Y), WP(C).8334/2018(N), THE COURT ON 31-03-2021 DELIVERED THE FOLLOWING:

WP(C) .No.4592 OF 2018(Y) and other conctd cases

2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C) .No.1592 OF 2018

PETITIONER/S:

- 1 SOCIETY FOR SOCIAL SURVEILLANCE
REG.NO.KTM/TC/510/2017, KAROTTUVELAMKULAM,
KAYYOOR,KOTTAYAM, REPRESENTED BY ITS SECRETARY
- 2 BABY PRATHAP.B
PRABHATH HOUSE, PARAKOD PO, T.B. ROAD, ADOOR 691554
- 3 AKHILJITH.B, NIKUNJEM, PADINJATTAKKARA
PO,THEVALAKKARA, KOLLAM 690524
- 4 DR. T.VISHNUKUMARAN
22/45, UDAYAPPANKUDIRUPPU,THENGAMPUTHOOR
PANCHAYATH, MONIKETTI POTTAL PO, KANYAKUMAR
DISTRICT, 629501

BY ADVS.
SRI.T.V.AJAYAKUMAR
KUM.P.H.RIMJU

RESPONDENT/S:

- 1 THE CHANCELLOR, UNIVERSITY OF KERALA
RAJ BHAVAN, THIRUVANANTHAPURAM 695001
- 2 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT,SECRETARIAT, THIRUVANANTHAPURAM 695001
- 3 UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR,PALAYAM,
THIRUVANANTHAPURAM 695001
- 4 THE VICE CHANCELLOR
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM
695034

WP(C) .No.4592 OF 2018(Y) and other conctd cases

3

5 UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG, NEW DELHI
110002, REPRESENTED BY ITS SECRETARY

R1 BY ADV. SRI.K.JAJU BABU (SR.)
R1 BY ADV. SRI.S.KRISHNAMOORTHY CGC
R1 BY ADV. SRI.K.JAJU BABU SR.
R1 BY ADV. SMT.M.U.VIJAYALAKSHMI COUNSEL FOR THE
CHANCELLOR OF UNIVERSITIES IN KERALA
R1, R3 BY SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF
KERALA
R2 GP SRI B HARISH KUMAR
R5 BY ADV. SRI.S.KRISHNAMOORTHY, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-03-2021, ALONG WITH WP(C).4592/2018(Y), WP(C).8334/2018(N), THE COURT ON 31-03-2021 DELIVERED THE FOLLOWING:

WP(C) .No.4592 OF 2018(Y) and other conctd cases

4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C) .No.8334 OF 2018

PETITIONER/S:

DR. T. VIJAYALAKSHMI
D/O.P.THANGAVEL GOUNDER,AGED 46 YEARS, D21/2,
MULLAI ILLAM,SREE CHITRA NAGAR, EDAPAZHANJI,
PANGODE, THIRUVANANTHAPURAM-695006.

BY ADVS.
SRI.GEORGE POONTHOTTAM (SR.)
SMT.NISHA GEORGE

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 UNIVERSITY OF KERALA
SENATE HOUSE CAMPUS,PALAYAM, THIRUVANANTHAPURAM-
695034,REPRESENTED BY THE REGISTRAR.

R1 BY GOVERNMENT PLEADER
R2 BY ADV. SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF
KERALA

GP SRI B HARISH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-03-2021, ALONG WITH WP(C).1592/2018(Y), WP(C).4592/2018(Y), THE COURT ON 31-03-2021 DELIVERED THE FOLLOWING:

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

5

JUDGMENT

Dated this the 31st day of March 2021

(Draft of the judgment is uploaded earlier by mistake. There were some clerical errors. That judgment is removed from the site and this rectified one is uploaded.)

Captioned writ petitions involve identical questions of facts and law, therefore, are decided by a common judgment. The question of Law involved is ‘whether reservation in teaching posts in Universities is to be applied by treating the University as a Unit or Department/Subject as a Unit for different levels of teachers, ie. all posts of Professors, Assistant Professors or Associate Professors would be construed as a cadre or solitary post in a particular stream meant for either Professor, Assistant Professor or Associate Professor, which admittedly are not interchangeable”. The facts are being taken from W.P.(C) No.4592/2018.

2. The University of Kerala, the 2nd respondent vide Ext.P1, invited applications for the post of Professor in the different Teaching Departments of the University. As per the notification, the post of Professor in Aquatic Biology & Fisheries was reserved for Ezhava/Billva/Thiyya and the post of Professor in Zoology reserved for Muslim. The vacancy specified as one posts in each department were kept reserved for various communities falling under reserved categories. The aforementioned notification was promulgated by

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

6

keeping the reservation on the ground that University by Act No.26 of 2014 caused amendment to Section 6(2) of the Kerala University Act, 1974 by applying the provisions of Clauses (a) (b) and (c) of rule 14 and the provisions of rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, (hereinafter called KS & SSR) as amended from time to time, by following category-wise communal rotation treating all the departments as "One Unit". The notifications inviting applications for various posts dated 27.11.2017, dated 20.7.2014 causing amendment to the Kerala University Act and dated 25.10.2017 giving 100% reservation to various posts by treating all the departments as one unit, have been challenged in all writ petitions.

3. Sri.George Poonthottam, learned Counsel assisted by Sri.Navaneeth Krishnan appearing for the petitioner submitted that there is a complete vagueness and violation of Articles 16(1) and 16(4) of the Constitution of India in amending the Act pertaining to reservation, though the State is not prevented from making any provisions for reservation, but considering all the Departments as One Unit would amount to 100% reservation, which is against the mandate of various judgments of Supreme Court. In support of the arguments, the following case law was cited in support of submissions: ***State of Karnataka and Others v. K. Govindappa and another [2009 1 SCC 1], Post Graduate Institute of Medical Education &***

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

7

Research, Chandigarh v. Faculty Association and others rendered in Review petition (C) No.1749/1997, whereby the previous judgments in the aforementioned matter reported in ***Post Graduate Institute of Medical Education & Research's case (supra)*** approving the reservation by rotation in respect of single post was overruled. ***RR Inamdar Vs.State of Karnataka and others in Civil Appeal No1495/2016, State of U.P and others vs. M.C. Chattopadhyaya and others [2004 1 SCC 333]***, and in ***Sathi Vs Cochin University of Science and Technology [2000 (2) KLT 871]***.

4. All the departments, wherever there is a single post, have been clubbed together dis-entitling the meritorious candidates from making application as a result of reservation of single posts, which is impermissible in the light of the judgments cited (supra). Under the University of Kerala there are forty one (41) departments as evident from the annexure attached to notification Ext.P2 amending Section 6 (2). There is only one post of Professor in terms of Chapter 3 of Statue IV of the First Statues. Cadre, Post and Service are distinct. Isolated posts in respect of different disciplines cannot exist as plea of separate cadre, in above quoted case law was negated. Even objection from deemed to be affected employees before causing amendment to Section 6 (2) of 1974 Act, was never sought. Petitioners are disabled to submit their applications owing to erroneous applicability of reservation by applying the

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

8

provisions of Rule 15 of KS & SSR.

5. On the basis of the amendments by way of notification, the University of Kerala amended the aforementioned provisions on the premise of change over to the system of following communal rotation, category wise treating all the department as "One Unit", stipulating further that reservation procedure shall start afresh and the backlog vacancies, if any, would be dropped. Norms for filling up the teaching posts are most ambiguous and disparaged as the attempt of the University in inviting application by keeping all the subjects of the departments as One Unit does not tantamount to applying reservation by rotation as per the provisions of Rule 15 of the KS & SSR.

6. On the other hand, learned Counsel appearing on behalf of the State supported the legislative amendment under Section 6 (2) of the University Act by referring to Clauses (a) (b) and (c) of Rule 14 dealing with the reservation of appointments by treating the unit of twenty (20) out of which two (2) shall be reserved for SC/ST, eight(8) for other backward classes and remaining ten (10) to be filled on the basis of merit. It is in that background by applying sub rule 3 of rule 14, pertaining to rotation, posts were advertised, in tune with Articles 14 and 16 of the Constitution of India.

7. On the contrary, Sri.Thomas Abraham, learned Counsel appearing for the University, submitted that the University issued notification in the

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

9

month of November, 2017 following the reservation system. In the meantime, the University Grants Commission vide communication dated 19/7/2018, Ext.R2 (a), requested the University to postpone the recruitment process, if it, was already underway. The aforementioned restriction vide letter dated 7.3.2019, Ext.R2 (c) was later on withdrawn, and addressed to all Registrars of the Central Universities, State Universities and deemed Universities, receiving grant-in aid. It was clarified that for the purpose of reservation in direct recruitment in teachers cadre, the University/College/Institution shall be regarded as One Unit. Pursuant to that, notification was issued by the University, notifying (105) vacancies together. Selection process reached various stages, evident from tabulated form containing details of the posts, Ext.R2 (f), of Assistant Professor, Ext.R2 (g) and of Associate Professor, Ext.R2 (h). The selection process in respect of Geology, Tamil, Aquatic Biology & Fisheries, Library and information Science statistics, Botany, mathematics, environmental science, law and Hindi had, on 13.2.2020, already been completed and urged this Court for dismissal of the writ petition.

8. I have heard learned Counsel for the parties and appraised the paper books.

9. In order to answer the question referred above, it would be axiomatic to extract section 6(2) of 1974 Act and Clauses (a), (b), (c) of Rule 14

WP (C) .No. 4592 OF 2018 (Y) and other conctd cases

10

of KS & SSR, 1948.

6(2) In making appointments by direct recruitment to posts in any class or category in each department under the University, or to posts of non-teaching staff in the University, the University shall *mutatis mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15 to 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

“14. Reservation of appointments.- [Where the Special Rules lay down that the principle of reservation of appointments shall apply to any service, class or category, or where in the case of any service, class or category for which no Special Rules have been issued, the Government have by notification in the Gazette declared that the principle of reservation of appointments shall apply to such service, class or category, appointments by direct recruitment to such service, class or category shall be made on the following basis:-]

(a) The unit of appointment for the purpose of this rule shall be 20, of which 2 shall be reserved for Scheduled Castes and Scheduled Tribes and 8 shall be reserved for the Other Backward Classes and the remaining 10 shall be filled on the basis of merit:

[Provided that out of every five posts reserved for Scheduled Castes and Scheduled Tribes, one shall go to Scheduled Tribe candidate and the remaining four shall go to Scheduled Caste candidates and in the absence of a candidate to fill up the post reserved for Scheduled Tribe candidates, it shall go to a Scheduled Caste candidates and vice versa]

(b) The claims of members of Scheduled Castes and Scheduled Tribes and Other Backward Classes shall also be considered for the appointments which shall be filled on the basis of merit and where a candidate belonging to a Scheduled Caste, Scheduled Tribe or Other Backward Class is selected on the basis of merit, the number of posts reserved for Scheduled Castes, Scheduled Tribes or for Other Backward Classes as the case may be, shall not in any way be affected.

(c) Appointments under this rule shall be made in the order of rotation specified below in every cycle of 20 vacancies.

1. Open competition
2. Other Backward Classes
3. Open competition
4. Scheduled Castes and Scheduled Tribes
5. Open competition
6. Other Backward Classes
7. Open competition
8. Other Backward Classes
9. Open competition
10. Other Backward Classes
11. Open competition

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

11

12. *Scheduled Castes and Scheduled Tribes*
13. *Open competition*
14. *Other Backward Classes*
15. *Open competition*
16. *Other Backward Classes*
17. *Open competition*
18. *Other Backward Classes*
19. *Open competition*
20. *Other Backward Classes: “*

10. There is no dispute to the proposition that reservation in respect of a post of a Professor and the provisions of the reservation provided in the rules (ibid) would apply, but the same cannot be applied taking all Professor as a “Cadre”. In fact, it has to be made “Subject Wise” otherwise, it would create an anomalous situation by treating all Professors of different subjects as One Cadre. It would take away the right of consideration/reasonable opportunity to meritorious candidates belonging to general category for appointment. Acknowledgement of reservation by rotation in respect of a single post though was earlier approved by the Supreme Court in ***Post Graduate Institute of Medical Education & Research's case (supra)***, but was,, subsequently, overruled in a review petition 1749/1997 reported as 1998 (4) SCC 1, wherein Paragraph 34, 35, 36 & 37 observed as under:

34. In a single post cadre, reservation at any point of time on account of rotation of roster is bound to bring about a situation where such single post in the cadre will be kept reserved exclusively for the members of the backward classes and in total exclusion of the general embers of the public.

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

12

Such total exclusion of general members of the public and cent percent reservation for the backward classes is not permissible within the constitutional frame work. The decisions of this Court to this effect over the decades have been consistent.

35.Hence, until there is plurality of posts in a cadre, the question of reservation will not arise because any attempt of reservation by whatever means and even with the devise of rotation of roster in a single post cadre is bound to create 100% reservation of such post whenever such reservation is to be implemented. The device of rotation of roster in respect of single post cadre will only mean that on some occasions there will be complete reservation and the appointment to such post is kept out of bounds to the members of a large segment of the community who do not belong to any reserved class, but on some other occasions the post will be available for open competition when in fact on all such occasions, a single post cadre should have been filled only by open competition amongst all segments of the society.

36. Mr.Kapil Sbal has contended that in some higher echelons of service in educational and technical institutions where special expertise is necessary to hold superior posts like Professors and Readers, there should not be reservation even if there is plurality of posts in such cadre as indicated in the majority view in Indra Sawhney case. It is, however, not necessary for us to decide the said contention for the purpose of disposal of these matters, where the question of reservation in single cadre post calls for decision.

37. We, therefore, approve the view taken in Chakradhar case that there cannot be any reservation in a single post cadre and we do not approve the reasonings in Madhav case. Brij Lal Thakur case and Bageshwari Prasad case upholding reservation in a single post cadre either directly or by device of rotation of roster point. Accordingly, the impugned decision in the case of Post Graduate Institute of Medical Education & Research cannot also be sustained. The review petition made in Civil Appeal No.3175 of 1997 in the case of Post Graduate Institute of Medical Education & Research, Chandigarh, is therefore allowed and the judgment dated 2-5-1997 passed in Civil Appeal No. 3175 of 1997 is set aside.”

11. On a cumulative reading of the paragraphs, aforementioned, it is crystal clear that a single post cadre reservation at any point of time on account of rotation of roster would definitely bring a situation where such a single post in the cadre will be kept reserved exclusively for the members of backward

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

13

classes, in total exclusion to the general members of the public, which is not the import of provisions of Article 16 (4) and (4A) of the Constitution of India. I may falter if do not display the contents of impugned the notification Ext.P1 in W.P.(C).4592/2018, applying the principles of rotation. The same read thus:

Applications are invited from qualified candidates for appointment to the post of Professor in the following Teaching Department of the University in the scale of pay of Rs.37300-67000/- with AGP of Rs.10,000/- (Pre revised)

“Appointment to the posts will be made in accordance with Section (6) Sub Section (2) of Chapter II of the Kerala University Act, 1974, UGC Regulations 2010 and amendments made thereon.

The turn of appointment as per the principles or rotation is given against each post.

<i>Sl.No.</i>	<i>Department</i>	<i>No.of vacancies</i>	<i>Turn</i>
<i>1</i>	<i>Department of Aquatic Biology & Fisheries</i>	<i>1</i>	<i>Ezhava/Billava/Thiyya</i>
	<i>*****</i>		
<i>4</i>	<i>Department of Biochemistry</i> <i>*****</i> <i>*****</i>	<i>1</i>	<i>Muslim</i>
<i>26</i>	<i>Department of Tamil</i>	<i>1</i>	<i>Blindness or low vision</i>
<i>27</i>	<i>Department of Zoology</i>	<i>1</i>	<i>Muslim</i>

12. On a joint reading of notifications caused by the University as well as few provisions of Rule 14 of the KSSR treating the department as “One Unit”, in my view, do not achieve the purpose of giving representation to all classes,

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

14

without causing any discrimination. In **Govindappa's** case (supra) a general candidate was appointed as Lecturer in a private aided college, but the State did not approve the appointment on the ground, that it was made in violation of the Rules relating to the reservation. The decision of the Government taking all the posts of Professors as a cadre was negated by the High Court of Karnataka, by holding that the post belonging to particular subject was required to be treated as a separate cadre. The expression 'Cadre, Post and Service' cannot be equated with each other, but at the same time, single and isolated course in respect of a different discipline cannot exist as a separate cadre as per the submission of the Government, which is not acceptable. Once there is no scope of interchangeability of posts in different disciplines, each post in particular discipline has to be treated as a single post. The notification inviting application tantamount to 100% reservation of posts in various disciplines, which are not interchangeable. This Court in **Sathi's** case (supra) in paragraph 6 and 7 held as under.

“6. Of course, the University would contend for the position that the post of Technical Officer cannot be treated as a single cadre post and that there can be reservation by means of grouping together. We do not find any substance in the aforesaid contention raised by the University. In Paswan's case noted supra the Supreme Court while holding that there cannot be any reservation to a single cadre post thereby creating a monopoly of a particular category considered the question whether the posts carried on different grades can be clubbed together for purposes of reservation merely because they are Class I posts. The court ruled that there can be no grouping of one or more isolated posts for purposes of

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

15

reservation even if they are carried on the same scale. The Constitution Bench decision in P.G. Institute of Medical Science case (AIR 1998 SC 1767) noted supra, though the Supreme Court noticed the contention of the learned Solicitor General based on the Office Memorandum No. 36012/2/96-Estt (Rs) issued by the Ministry of Personnel, Public Grievances and Pension Cell which inter-alia provides for clubbing together, finally came to the conclusion that until there is plurality of posts in a cadre the question of reservation will not arise because any attempt of reservation by whatever means and even with the device of Rotation of Roster in a single cadre post is bound to create 100% reservation of such post whenever such reservation is to be implemented.

7. The reliance placed by the University on the decision reported in University of Cochin v. Dr. N. Raman Nair (AIR 1974 SC 2319) is thoroughly misplaced as it is of no help to come to a conclusion that reservation by means of clubbing together of isolated cadre post is permissible. What was considered in that case was whether exclusion of the category of Professors from the operation of Rr.14 to 17 of K.S.& S.S.R. was legal or not. The Syndicate of the University passed a resolution dated 17.7.1972 laying down that the principles of reservation for appointment should be applied to posts in a service or class or category collectively and not separately. However, the same resolution placed appointments to the post of Professor outside the reservation and rotation rules altogether. This court quashed the resolution dated 17.7.1972 against which the University filed an appeal which came to be dismissed by the Supreme Court. While dismissing the appeal certain passing observations were made to the effect that the University may treat all teaching posts as belonging to one class for the application of the Rules or it may treat only posts of Readers in all subjects or in a particular subject as a category by itself for the application of the rules. In our considered opinion this passing observations cannot be understood as laying down any dictum. That apart, no ratio is contained in the aforesaid decision to the effect that there can be reservation by means of clubbing together of isolated cadre posts. The reliance placed by the University on the decision reported in Jose v. Cochin University (1993(2) KLT 347) is also of no assistance for the reason that clubbing attempted in the present case is that of different and distinct cadres carrying different scales of pay, whereas in the above cited decision what is ultimately found is that clubbing of posts of lecturers of all departments in one unit and readers of all departments into one unit for the purpose of applying Rules of Reservation. Accordingly, we reject the submission based on the aforesaid decision.”

On a perusal of the ratio culled out above, the attempt of clubbing, as noticed from notification dated 27.11.2017, extracted (supra) is not of a

WP (C) .No.4592 OF 2018 (Y) and other conctd cases

16

different and distinct cadre, carrying different scales of pay, but in fact for All posts Professors, Assistant Professors, Associate Professors of all the departments as One Unit, thus it would bound to create 100% reservation of such posts. Accordingly, the writ petitions are allowed. Notification dated 27.11.2017, dated 20.7.2014 causing amendment to the Kerala University Act and dated 25.10.2017 giving 100% reservation to various posts by treating all the departments as one unit, are quashed. The appointments of the selected candidates during the pendency of the writ petitions would always be subject of the outcome of the writ petitions. In view of the above observation, the University/Competent authority would take appropriate steps, in accordance with law.

Sd/-

AMIT RAWAL

JUDGE

jm

WP(C) .No.4592 OF 2018(Y) and other conctd cases

17

APPENDIX OF WP(C) 4592/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE NOTIFICATION
NO.AD.H/30652/2017/3 DATED 27-11-2017
ISSUED BY THE UNVIERSITY

EXHIBIT P2 TRUE COPY OF THE ORDER NO.AD.H./30651/2017
DATED 25-10-2017 PASSED BY THE UNIVERSITY

EXHIBIT P3 TRUE COPY OF THE ACT 26 OF 2014 ISSUED ON
20-07-2014 BY THE GOVERNMENT

EXHIBIT P4 TRUE COPY OF THE BIO-DATA OF THE PETITIONER
WITH COVERING LETTER ISSUED ON 20-07-2014
BY THE GOVERNMENT

EXHIBIT P5 TRUE COPY OF THE LETTER
NO.AD.H/30652/2017/3/AQB AND F DATED
16.01.2020

APPENDIX OF WP(C) 1592/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE UNIVERSITY LAWS SECOND
AMENDMENT ACT 2004

EXHIBIT P2 TRUE COPY OF THE UNIVERSITY LAWS AMENDMENT
BILL 2014 ALONG WITH THE STATEMENT OF
OBJECTS AND REASONS SHOWN THERIN

EXHIBIT P3 TRUE COPY OF THE SECTION 6(2) OF THE KERALA
UNIVERSITY ACT 1974

EXHIBIT P3 A TRUE COPY OF THE SECTION 6(2) OF THE
CALICUT UNIVERSITY ACT 1975

EXHIBIT P3 B TRUE COPY OF THE SECTION 78 OF THE MAHATMA
GANDHI UNIVERSITY ACT 1985

EXHIBIT P3 C TRUE COPY OF THE SECTION 32 OF THE SREE
SANKARACHARYA UNIVERSITY ACT 1994

WP(C) .No.4592 OF 2018(Y) and other conctd cases

18

- EXHIBIT P3 D TRUE COPY OF THE SECTION 4(3) OF THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES ACT 2005
- EXHIBIT P3 E TRUE COPY OF THE RELEVANT EXTRACT OF THE SECTION 7 (2) OF THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, ACT 1986
- EXHIBIT P4 TRUE COPY OF THE ORDER NO. AD.H/30651/2017 DATED 25.10.2017 ISSUED BY THE UNIVERSITY OF KERALA
- EXHIBIT P5 TRUE COPY OF THE NOTIFICATION DATED 27.11.2017 ISSUED BY THE REGISTRAR OF THE KERALA UNIVERSITY
- EXHIBIT P6 TRUE COPY OF THE NOTIFICATION DATED 27.11.2017 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P7 TRUE COPY OF THE NOTIFICATION DATED 27.11.2017 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P8 TRUE COPY OF THE NOTIFICATION DATED 17.06.2011 ISSUED BY THE KERALA UNIVERSITY
- EXHIBIT P9 TRUE COPY OF THE NOTIFICATION DATED 17.09.2012 ISSUED BY THE KERALA UNIVERSITY
- EXHIBIT P10 TRUE COPY OF THE MEMORANDUM DATED NIL SUBMITTED BY THE 1ST PETITIONER BEFORE HIS EXCELLENCY GOVERNOR OF KERALA
- EXHIBIT P11 TRUE COPY OF THE MEMORANDUM SENT BY THE 1ST PETITIONER TO THE VICE CHANCELLOR, THE SYNDICATE AND THE REGISTRAR OF THE UNIVERSITY OF KERALA BY E MAIL
- EXHIBIT P12 TRUE COPY OF THE MEMORANDUM DATED 15.12.2017 SUBMITTED BY THE 1ST PETITIONER TO THE HON'BLE MINISTER FOR EDUCATION
- EXHIBIT P13 TRUE COPY OF THE MEMORANDUM DATED 04.01.2018 SUBMITTED BY THE 1ST PETITIONER TO THE CHIEF SECRETARY
- EXHIBIT P14 TRUE COPY OF THE MEMORANDUM DATED 04.01.2018 SUBMITTED BY THE 1ST PETITIONER

WP(C) .No.4592 OF 2018(Y) and other conctd cases

19

TO THE PRINCIPAL SECRETARY TO DEPARTMENT OF
HIGHER EDUCATION

EXHIBIT P15 TRUE COPY OF THE MEMORANDUM DATED
04.01.2018 SUBMITTED BY THE 1ST PETITIONER
TO THE CHAIRMAN OF THE UGC NEW DELHI

EXHIBIT P16 TRUE COPY OF THE RELEVANT EXTRACT OF THE
REPORT PUBLISHED IN INDIAN EXPRESS DAILY
DATED 23.10.2017

APPENDIX OF WP(C) 8334/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE BIO-DATA OF THE
PETITIONER.

EXHIBIT P2 TRUE COPY OF THE NOTIFICATION
NO.AD.H/30652/2017/3 DATED 27.11.2017
ISSUED BY THE UNIVERSITY

EXHIBIT P3 TRUE COPY OF THE NOTIFICATION
NO.AD.H/30652/2017/2 DATED 27.11.2017
ISSUED BY THE UNIVERSITY.

EXHIBIT P4 TRUE COPY OF THE ORDER NO.AD.H./30651/2017
DATED 25.10.2017 PASSED BY THE UNIVERSITY.

EXHIBIT P5 TRUE COPY OF THE ACT 26 OF 2014 ISSUED ON
20.07.2014 BY THE GOVERNMENT.

EXHIBIT P6 TRUE COPY OF THE CIRCULAR NO.F.1-
5/2006(SCT)DATED 05.03.2018 ISSUED BY THE
UGC.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R2 A THE TRUE COPY OF THE LETTER NO.F-1-
5/2006(SCT) DATED 19/7/2018 SENT BY THE
UNIVERSITY GRANTS COMMISSION

EXHIBIT R2 B THE TRUE COPY OF THE LETTER NO.1-7/2017-CU-
V(P.T) DATED 18/7/2018 OF THE MINISTRY OF
HUMAN RESOURCE DEVELOPMENT, GOVERNMENT OF
INDIA

WP(C) .No.4592 OF 2018(Y) and other conctd cases

20

- EXHIBIT R2 C THE TRUE COPY OF THE LETTER DATED 7/3/2019
ISSUED BY THE UGC
- EXHIBIT R2 D THE TRUE COPY OF THE GAZETTE NOTIFICATION
DATED 7/3/2019 OF THE CENTRAL EDUCATIONAL
INSTITUTIONS (RESERVATION IN TEACHERS'
CADRE) ORDINANCE, 2019
- EXHIBIT R2 E THE TRUE COPY OF THE LETTER F.1-5/2006(SCT)
DATED 8/3/2019 ISSUED BY THE UNIVERSITY
GRANTS COMMISSION
- EXHIBIT R2 F THE TRUE COPY OF THE TABULATED FORM
CONTAINING THE DETAILS OF THE POSTS
NOTIFIED IN 2017 FOR SELECTION OF ASSISTANT
PROFESSORS
- EXHIBIT R2 G THE TRUE COPY OF THE TABULATED FORM
CONTAINING THE DETAILS OF THE POSTS
NOTIFIED IN 2017 FOR SELECTION OF ASSOCIATE
PROFESSORS.
- EXHIBIT R2 H THE TRUE COPY OF THE TABULATED FORM
CONTAINING THE DETAILS OF THE POSTS
NOTIFIED IN 2017 FOR SELECTION OF
PROFESSORS.
- EXHIBIT R2 I THE TRUE COPY OF THE TABULATED FORM
CONTAINING THE DETAILS OF THE POSTS
NOTIFIED IN 2018 AND 2019 FOR SELECTION OF
ASSISTANT PROFESSORS, ASSOCIATE PROFESSORS
AND PROFESSORS.