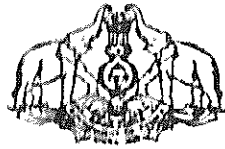


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## GOVERNMENT OF KERALA

### Abstract

Higher Education Department – Collegiate Education - Establishment – Amendments proposed in tune with UGC Regulations 2010 retrospectively with effect from 18.09.2010 in the Special Rules as per the direction of Hon'ble High Court in WA 1676/13 dated 23.02.2016 – Complied with- Orders Issued.

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Higher Education (F) Department

G.O (P) No.10/2017/H.Edn. Dated, Thiruvananthapuram, 19.03.2017.

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- Read:-
- 1 G.O(P) No. 41/1994/H.Edn dated 21.03.1994
  - 2 Judgment dated 23.02.2016 in WP(C) Nos. 29253, 29512 & 30711 of 2012, 15739, 16220 & 17148 of 2013, OP(KAT).No.1329 of 2013 and WA No.1676 of 2013.
  - 3 Order dated 26.10.2016 in R.P No.921 of 2016 in WA No.1676 of 2013.
  - 4 Legal opinion dated 22.02.2017 in WA No.1676 of 2013 from the Advocate General.

### ORDER

The Hon'ble High Court of Kerala, in the Judgment read as 2<sup>nd</sup> paper above, has ordered that irrespective of whether the University Act enacted under Entry 25 of list III or the Statutes framed thereunder are amended in line with the UGC Regulations or not, in view of its adoption by the State of Kerala with effect from 18.09.2010 vide, Government Order G.O.(P) No.392/2010/HEdn. dated 10.12.2010, the Universities and affiliated Colleges in Kerala State are bound to comply with the UGC Regulations 2010. It is further ordered that the UGC Regulations 2010, having adopted by the Government of Kerala vide G.O.(P) No.392/2010/HEdn. dated 10.12.2010 with effect from 18.09.2010, the selections held thereafter can only be in compliance with the said Regulations. Hon'ble High Court also directed the appointing authorities concerned to consider the claims of the petitioners of the writ petitions in accordance with their qualification, seniority and suitability, along with other eligible candidates and make appointments in accordance with law.

2. Even though UGC Regulations 2010 were adopted by the State with effect from 18.09.2010, some appointments of the Principals in the Government

Colleges and Universities were not done as per UGC Regulations, but were done in accordance with the existing Special Rules and relevant University Statutes. In order to comply with the judgment dated 23.02.2016 of Hon'ble High Court in WA 1676/13, Government will have to revert the teachers promoted as Principals without having the said UGC qualifications

3. Consequently, a Review Petition was filed against the judgment dated 23.02.2016 in WA No.1676 of 2013 in WP(C) 3685/2012 and 7 other WPCs. As per the judgment read as 3<sup>rd</sup> paper above, the Hon'ble High Court dismissed the Review Petition on the ground that the State, having adopted the UGC regulations with effect from 18.09.2010, now cannot make a request for making effective date of adoption of the regulation a different one and, hence, do not find any reason to review the judgment.

4. Later, an SLP was filed before the Hon'ble Supreme Court against the judgment dated 23.02.2016 of Hon'ble High Court in WA 1676/13 against the order in RP 921/16. The SLP was granted by the Honourable Supreme Court and the Order granting the Special Leave Petition read as follows.

“ The learned Additional Solicitor General appearing for the State of Kerala submits that as far as the parties before the High Court are concerned, they are willing to implement the impugned judgment of the High Court, whereas in the case of others whose appointments had been made on the basis of the decision of the Division Bench of the High Court in 'S.N.College Vs Raveendran' reported in (2001) 3 KLT 938, their case may not be re-opened on the impugned full Bench judgment.”

5. In the circumstances, Government have examined the matter in detail on the basis of the legal opinion read as 4<sup>th</sup> paper above and are pleased to order that the amendments proposed in tune with the UGC regulations 2010 will be executed retrospectively with effect from 18.09.2010 and necessary amendments shall be incorporated in the existing Special Rules in accordance with the directions of Hon'ble High Court in WA 1676/13 dated 23.02.2016 subject to the following conditions:

a) Parties before the full Bench will be given promotions in implementation of the Judgment dated 23.02.2016.

b) The promotions already made in accordance with Raveendran's case will be reviewed subject to the finalisation/decision of the Hon'ble Supreme Court in the SLP filed by the State against the full Bench decision.

6. Accordingly, the existing Special Rules read as 1<sup>st</sup> paper above will be amended in accordance with UGC Regulations 2010 as follows:

Associate Professor/Professor with the following qualifications are eligible for promotion as Principal:

- (i) Educational qualifications in the category of lecturer.
- (ii) Should possess Ph.D Degree in concerned/allied/relevant discipline.
- (iii) Should have a minimum period of 15 years of service in Collegiate Education Department.

(BY ORDER OF THE GOVERNOR)  
**B.SRINIVAS**  
Principal Secretary to Government

To  
Advocate General, Ernakulam (with covering letter)  
The Director of Collegiate Education, Thiruvananthapuram  
Adv.G.Prakash, Standing Counsel, 128, New Lawyers Chamber, Supreme Court,  
New Delhi-110001  
Advocate P.S.Patwalia, Additional Solicitor General, Supreme Court, New Delhi  
The Law Officer, Office of the Resident Commissioner, Kasthurba Gandhi Marg,  
New Delhi  
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram  
The Accountant General (A&E), Kerala, Thiruvananthapuram  
The Information Officer, Web&New Media / The Director, I&PRD  
Law Department  
Higher Education (B/C/D) Department  
Stock File/Office Copy

Copy to :- P.S. to Minister (Education)  
PA to Principal Secretary  
CA to Deputy Secretary

Forwarded/By Order



Section Officer