



## GOVERNMENT OF KERALA

### Abstract

Higher Education Department – Collegiate Education - Court Cases – order dated 10-02-2022 in OA 2280/2019 filed by Dr. Sreelatha K.S before the Hon'ble Kerala Administrative Tribunal - complied with - orders issued

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### HIGHER EDUCATION (F) DEPARTMENT

G.O.(Rt)No.106/2025/HEDN Dated,Thiruvananthapuram, 22-01-2025

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- Read 1 Judgement dated.10.02.2022 in OA 2280/2019 filed by Dr. Sreelatha K.S before the Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram
2. Judgment dated 22.07.2022 in OP (KAT) 238/22 filed before the Hon'ble HC
  - 3 Letter No. SN1 OP(KAT) 238/2022 dated 23.11.2024 from the Advocate General
  - 4 Government Letter No. F2/319/2019-HEDN dated 26.12.2024
  - 5 Letter No. SN 1/OP (KAT 238/2022 dated 07.01.2025 from Advocate General, Ernakulam
  6. Order of the Hon'ble Kerala Administrative Tribunal dated 08.01.2025 in CP(C) 119/2022 in OA 2280/2019 filed by Dr. Sreelatha K.S

### ORDER

Dr.Sreelatha K.S, Assistant Professor at Government College Kottayam filed OA.2280/19 before the Hon'ble KAT to grant an order of declaration that the applicant is eligible to have her previous service in Amrita Vishwa Vidyapeetham granting pay revision benefits and CAS placements as per the 6<sup>th</sup> UGC Regulations,2010.

2. As per order read as 1<sup>st</sup> paper above, the Hon'ble KAT directed the respondents to pass necessary orders giving proper placements to the applicant duly reckoning her prior service in the Amrita Vishwa

Vidyapeetham.

3. Government filed (OP(KAT)238/2022) before the Hon'ble High Court against the judgement read as 1<sup>st</sup> paper above. The Hon'ble High Court dismissed the OP(KAT) as per the judgment read as 2<sup>nd</sup> paper above.

4. The Sixth UGC Scheme was sanctioned to the college teachers in the State vide GO(P) No.58/2010/H.Edn dated 27.03.2010 wherein placements considering previous service were not sanctioned. The Sixth UGC Scheme has been implemented by the UGC as per the UGC Regulation dated 30.06.2010. Subsequently Government issued GO(P)No.392/2010/H.Edn dated 10.12.2010 wherein it was ordered that notwithstanding anything contained in the Sixth UGC Regulations only those benefits both monetary and others specified in the Government order GO(P)No.58/2010/H.Edn dated 27.03.2010 would be receivable. Further, Government ordered that where there are any provisions in the Sixth Regulations inconsistent with the provisions in the GO(P)No.58/2010/H.Edn dated 27.03.2010, those provisions in the Government Order would override the provisions in the Sixth Regulations to the extent of such inconsistency. Since the implementation order GO(P)No.58/2010/ HEDN dated 27.03.2010 does not guarantee the counting of past service for placements along with regular service, the previous service rendered in Amritha Vishwa Vidyapeetham does not qualify as qualifying service for placements under UGC Scheme along with regular service.

5. Private services in any manner are not considered in any of the other Government Services for seniority, placement etc. Only 50% of the arrears of the salary due on account of UGC revision of pay alone is receivable as UGC grant. Other benefits and subsequent future higher salaries are the liability of the State Government itself. So far as matters involving financial implication are concerned, UGC Regulations are not mandatory but recommendatory in nature. It is natural justice that the stand of the State Government that bears the financial implication should also be taken in to account, otherwise chaos and destability in the financial sector will be the result. The service period in Self financing Colleges cannot be considered for Career Advancement Promotion in Government/ Aided service as there are hundreds of such teachers in the State.

6. In the above circumstances, Government have filed SLP No.

18330/22 before the Hon'ble Supreme Court against the directions in the judgment read as 2<sup>nd</sup> paper above. But the SLP has been dismissed by the Hon'ble Supreme Court on 20.11.2024. Advocate General has been requested to file Review Petition against the order dated 20-11-2024 in SLP 18330/2022. As per the legal opinion furnished by the Advocate General it is informed that there is no scope for filing the Review Petition.

7 As per order read as 6<sup>th</sup> paper above it is informed that the Contempt Petition has been adjourned to 24.01.2025 for the respondents to show cause if any, as to why the 'Charge of Contempt' shall not be framed against them and further steps shall not be pursued in this Contempt Petition.

8. Government have examined the matter in detail. The Director of Collegiate Education is directed to give proper placements to Dr. Sreelatha K.S, Assistant Professor at Government College Kottayam, duly reckoning her prior service in the Amruta Vishwa Vidyapeetham, as per the order read as 1<sup>st</sup> paper above on condition that this order shall not be treated as a precedent in future.

9. The order read as 1<sup>st</sup> paper above is complied with accordingly.

(By order of the Governor)

**SINI J SHUKKOOR**

**ADDITIONAL SECRETARY**

To:

The Director of Collegiate Education, Thiruvananthapuram

The Advocate General, Thiruvananthapuram (with covering letter)

The Advocate General, Ernakulam (with covering letter)

The Principal Accountant General (Audit/A&E), Kerala,  
Thiruvananthapuram

Finance (Education - C) Department (2022562/Edn-C4/69/2022-Fin  
dated 20.01.2025)

The Information Officer, Web&New Media

The Nodal Officer ([www.highereducation.kerala.gov.in](http://www.highereducation.kerala.gov.in))

Stock File/Office Copy (F2/319/2019-HEDN)

Forwarded /By order

Section Officer