

Court, Ernakulam-682031. All processes to the respondents may be served on the above mentioned addresses.)

DETAILS OF APPLICATION

1. Particulars of the order against which application is made:

Not against any particular order

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the claims in which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation:

The applicants further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case:

1. The applicant is one of the most eligible and qualified person for promotion to the post of Principal as per the UGC Regulations on Minimum Qualifications for appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education, 2018 (herein after referred to as 'UGC Regulations, 2018'). He is aggrieved by the culpable delaying of promotion and posting to the post of Principal by the service unions and certain staff in the ministry of higher education department who are revolting against the UGC Regulations, 2018 for securing promotion to few ineligible persons for political favours.

2. Pursuant to the Advice Memo of Kerala Public Service Commission the Government of Kerala had appointed the applicant as lecturer in the Collegiate Department and he joined service on 4/10/2007 and his probation in service was declared on 2/11/2009. Later by virtue of the implementation of UGC Scheme he was re-designated as Assistant Professor. The applicant had acquired Ph.D. on 7/10/2010. He became eligible for promotion as Associate Professor with effect from 7-10-2018. Pursuant to the Direction issued by this Hon'ble Tribunal in OA (EKM) No. 1897/2019 and C.P.(EKM) No. 6/2020 the Selection and Screening Committee met on 15-6-2020 and resolved to grant him promotion as Associate Professor with effect from 7-10-2018. So far the order is not issued by the 2nd respondent in that regard citing Covid 19.

3. Several vacancies in the post of Principal are pending in the Govt. Arts and Science Colleges for the last two years. Special Rules mandates for filling up the vacancies from among the eligible candidates. It is most humbly submitted that UGC Scheme, 2006 was adopted by the Government of Kerala by GO(P) No. 58/2010 H.Edn dated 27/3/2010 with effect from 1/1/2006. Since then the field of collegiate education is governed by the UGC Regulations.

4. Clause 3.2 of the UGC Regulations, 2018 mandates that the minimum qualifications for appointment as Principal etc. shall be as per the Regulations. Clause 4.I.V prescribes the minimum qualifications for the Principal and Clause 5.VIII mandates the constitution and procedure of the Selection Committee. Clause 4.1.V reads as follows:

College Principal and Professor (Professor's Grade)

A. Eligibility:

- (i) Ph.D. degree
- (ii) Professor/Associate Professor with a total service/experience of at least fifteen years of teaching/research in Universities, Colleges and other institutions of higher education.
- (iii) A minimum of 10 research publications in peer-reviewed or UGC-listed journals.
- (iv) A minimum of 110 Research Score as per Appendix II, Table 2.

5. The applicant has Ph.D., 15 years of total teaching service, 15 publications and a total of 399 research score as mandated in the above cited rule.

6. Vide letter No. HEDN-C1/2622/19/HEDN dated 3-2-2020 the Principal Secretary to Government had directed the 2nd respondent to conduct selection for filling up the posts of Principals in the Arts and Science Colleges. Pursuant to the same the 2nd respondent issued Circular No. UGC Cell/2/5754/2020/Coll. Edn. dated 21-4-2020 inviting proposal for the selection. True copy of the above Circular is produced herewith and marked as **Annexure A1**. The time limit was then extended upto 25/5/2020 and true copy of that Circular No. Cell/2/5744/2020/Coll. Edn. dated 13-5-2020 is produced herewith and marked as **Annexure A2**. In Annexure A2 those whose applications for promotion as Associate Professors were pending were also permitted to submit proposals.

7. Applicant is fully qualified for the above promotion and hence he submitted his proposal on 22-5-2020 as directed in Annexure A2. True copy of the forwarding letter dated 22-5-2020 issued by the Principal of the College is produced herewith and marked as **Annexure A3**. His proposal was accepted as numbered as 15879/2020 dated 29-5-2020.

8. Going by the criteria for API scores the applicant is entitled for selection and he could learn that there are only 32 qualified persons as per the rules as against 48 vacancies. The applicant has the score of 399 and he could learn that he is in the top position among the candidates who submitted the proposals and in the zone of consideration.

9. It is most humbly submitted that the service unions of the government college teachers are now revolting against the implementation of UGC Regulations, 2018 and they illegally demand for giving promotion to ineligible candidates by counting their seniority. By flexing their political influence they could sabotage the ongoing selection procedure and now the applicant and the official and statutory authorities are being hijacked through certain staff in the ministry of higher education department. True copy of the report published in the Mathrubhoomy News Paper on 30-6-2020 evidencing the same is produced herewith and marked as **Annexure A4**. Therefore, the applicant is given to understand that the Selection Committee cannot be convened. This is illegal and arbitrary.

Under these circumstances the applicant is left with no other efficacious remedy than to approach this Hon'ble Tribunal for the redressal of his grievance.

5. Grounds for reliefs:

A. The impugned delay in convening the selection committee and to fill up the existing vacancies of Principal in the Govt. Arts and Science Colleges in Kerala is culpable as the Govt. has not taken any decision to defer such appointments.

B. The Selection Committee is bound by the UGC Regulations, 2018. But the political influence is deterring the authorities from convening the meeting. This is illegal and arbitrary and warrants judicial interference immediately.

C. Any further delay in granting the eligible promotion to the applicant will cause miscarriage of justice and lose of service benefits. Without the intervention of this Hon'ble Tribunal through a direction the respondents will not give fill up the existing vacancies in this matter.

6. Details of remedies exhausted:

The applicant declares that he has availed of the remedies available to him under the provisions of the relevant service rules etc. There is no remedy provided in the rules.

7. Matters not previously filed or pending with any Court:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the

matter in respect of which this application has been made before any court of law or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8. Relief(s) Sought:

In view of the facts mentioned in para 1 to 7 above, the applicant prays for the following relief(s):

i) Direct the respondents to convene the Selection Committee for the appointment of Principals in Govt. Arts and Science Colleges in the existing vacancies and to conduct the selection and appointment as per UGC Regulations, 2018 without any further delay and in a time bound manner.

ii) Issue an order or direction to the respondents which this Hon'ble Tribunal may deem fit and proper in the interest of justice.

9. Interim Relief:

It is prayed that this Hon'ble Tribunal may be pleased to issue an interim order directing the 3rd respondent to convene meeting of the Selection Committee provisionally for the selection of Principals, pending the disposal of the Original Application.

10. Not applicable - Filed through registry

11. Particulars of Bank Draft/Postal order in respect of the application fee: Court fee Rs. 50/- paid.

12. List of Enclosures

- i. Vakalath
- ii. Annexure A1 to A4

Verification

I, Dr.N.K.Babu, Aged 54 years, S/o V.Ramankutty Nair, Assistant Professor, Sree Neelakanda Govt. Sanskrit College, Pattambi, Palakad-679306 residing at Devanandanam, Melepattambi.P.O., Pattambi, Palakkad-679306 do hereby verify that the contents of paras 1 to 4 are true to my personal knowledge and 5 to 12 are believed to be true on legal advice and that I have not suppressed any material fact.

Date : 29-7-2020

Signature of Applicant

Place: Ernakulam

A.Rajasimhan

Counsel for the applicant

**IN THE KERALA ADMINISTRATIVE TRIBUNAL
THIRUVANANTHAPURAM
(ADDITIONAL BENCH AT ERNAKLUAM)**

O.A. (EKM) No. of 2020

Dr.N.K.Babu : Applicant
v.
State of Kerala and others : Respondents

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Dated this the 29th day of July, 2020

A.Rajasimhan
Counsel for the applicant



FOR USE IN TRIBUNAL'S OFFICE

Date of filing

Or

Date of Receipt by Post.....

Registration No.....

