

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT  
ERNAKULAM**

**W.P.(C) No. 27806 of 2020**

Dr. Joby Thomas K and Others

*A*  
:: Petitioner

Vs.

State of Kerala and Others

:: Respondents

**STATEMENT FILED BY ADVOCATE THOMAS ABRAHAM,  
STANDING COUNSEL, UNIVERSITY OF KERALA ON BEHALF OF  
THE 4<sup>th</sup> RESPONDENT**

*13/12/20*

*DN Ram Vargese*

**Thomas Abraham (SC-2144)  
Standing Counsel, University of Kerala**

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I am the Counsel appearing for the respondent University in the above writ petition. This is being submitted as per the instructions received from the Registrar of the respondent university and is being filed without prejudice to and reserving the right to file a detailed Counter Affidavit in case the same is found necessary in future.

2) The above writ petition is filed seeking interalia to issue a writ of mandamus or any other writ or order directing the 1<sup>st</sup> respondent to grant sanction to the post of Professor and may grant promotion to the writ petitioners as Professors. All the averments, allegations and contentions in the writ petition, save those which are specifically admitted hereunder are incorrect and hence denied.

3) It is humbly submitted that the post of Professor in colleges is envisaged in the UGC Regulations 2010 and UGC

Regulations, 2018. Clause 6.4.B.1.IV of the UGC Regulations, 2018 provides the criteria for Placement/ Promotion of Professors in Colleges. But, the Government has not approved Professor Post in Aided Colleges either through direct appointment or by promotion.

- 4) The Government of Kerala has issued G.O(P)No.18/2019/HEDN dated 29/06/2019, to accept the revised UGC Scheme for revision of pay scales, wherein it is mentioned that the qualification for the recruitment and Career Advancement Scheme for teachers mentioned in the notification of the UGC Regulations, 2018, will be deemed to come into force with effect from 18/07/2018, the date of gazette notification of the Regulations, 2018 by the UGC.
- 5) Subsequent to the G.O dated, 29/06/2019, mentioned above, the Government vide G.O.(P)No.28/2019/HEDN dated 29.09.2019 was pleased to approve and implement the UGC Regulations, 2018 as such. But no specific orders have been issued by the Government either for placement or promotion of Professors in affiliated Aided Colleges, despite being specifically mentioned in the Regulations.
- 6) As per Clause 57(1) of the Kerala University Act, the University is enabled to approve those appointments made by Educational Agencies against sanctioned post. University has not approved any appointment through promotion to the post of Professors in Aided Colleges till date since the post of Professor

with the higher scale of pay is yet to be sanctioned by the paymaster Government in both Government colleges as well as aided colleges. The creation of post of Professor in Aided College, is vested in the Government.

7) As University is in receipt of requests from various Educational Agencies requesting subject experts for the Selection Committee for the Placement/Promotion to the post of Professor, a clarification was sought from the Government, seeking directions/guidelines in the Placement/Promotion of Associate Professors to Professors in Aided Colleges vide Letter No.Ac.FII/UGC-18/2019 dated 29.10.2019. A reminder to the same has been forwarded vide Letter No.Ac.FII/37018/2019/UOK dated 27.08.2020. The reply to the same is yet to be received.

8) In the light of the above, it is humbly prayed that this Hon'ble Court may be pleased to accept the statement on record and dispose of the writ petition, in the interest of justice

All the facts stated above are true and correct.

Dated this the 3<sup>rd</sup> Day of February 2021

Thomas Abraham  
Standing Counsel for the 4<sup>th</sup> Respondent