

(2021) 01 KL CK 0560
In the High Court Of Kerala
Case No : Writ Petition (C) No. 17229 Of 2020

Diya Varghese

APPELLANT

Vs

Kerala Agricultural University Mannuthy And Ors

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 01 KL CK 0560

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : Joseph M.P, Surya Binoy, Robson Paul

Final Decision : Dismissed

Judgement

1. Petitioner in the instant case has sought the indulgence of this Court for issuance of appropriate directions to the respondent college for considering the criteria of relaxation of age as enumerated in Government order dated 26.8.2016, Ext.P2. inter alia, on the pleadings that the petitioner was having an experience as a regular staff from 1998-2008 in Karnataka Navodaya Vidyalaya. The petitioner had been working as Physical Education Teacher since 2001 in Government HSS, Kadayirippu in Ernakulam District. Vide notification dated 25.2.2020, Ext.P1, Kerala Agricultural University invited applications for filling up the post of faculty ie., Physical Education. Petitioner applied for the first post as he was falling under category III, on the premise that the qualification prescribed for the post of physical education was NET conducted by ICAR/UGC/CSIR/AICTE or similar test accredited by the UGC or have been awarded as Ph.d degree in accordance with the University Grants Commission.

3. Learned counsel for the petitioner submitted that the notification fixed the age

for consideration was 40 years as on 1.1.2020. However the age of the petitioner at that relevant point of time was 44 years.

4. The Government order Ext.P2, categorically ordered that the teachers working in primary school having the requisite qualifications prescribed by the UGC were also eligible to apply for the post of Assistant Professors in Colleges by giving the relaxation in age. It is in that background, a representation Ext.P3 was submitted to the 2nd respondent but the same was very casually replied vide Ext.P4 and the request, as sought for, was declined. It was contended that the University relaxed the age limit as 43 years for applying to post of Assistant Professors in different faculty positions but respondent University removed it from the official website. In fact the relaxation would be applicable to Primary School Teachers satisfying the qualification as stipulated by UGC. Petitioner in this regard seeks the indulgence of this Court for allowing the writ petition directing the respondent to consider the candidature of the petitioner.

5. On the other hand, learned counsel for the Kerala Agricultural University submitted that Ext.P2 would not be applicable to the petitioner as 2nd paragraph, of the same, clearly specified that it was applicable to only aided colleges whereas the University has a separate statute and the entire selection process including the service conditions were/are being governed under the aforementioned provisions. The constitution of the selection committee stipulated by UGC for selection of college teachers and University teachers is totally different. Similarly the criteria for shortlisting the candidate for interview for the post of Assistant Professors in Universities and colleges are also not one and the same. There is clear demarcation between University teachers and college teachers, as per UGC Regulations, 2018. Ext.P2, is not applicable to Kerala Agricultural University, where University teachers are appointed. The petitioner at the time as on 1.1.2020 was over aged, had, crossed the age bar and thus became ineligible for applying that post and urged this Court for dismissal of the writ petition. It was also denied that any relaxation age was uploaded on the internet which was allegedly removed. Relaxation age is only applicable to the cases of SC/ST/OBC and Differently Abel categories as prescribed in KS&SSR rules as amended from time to time.

I have heard the learned counsel for the parties, appraised the paper book and of

the view that there is no force and merit. On plain and simple perusal of the language prescribed in Ext.P2, read out in English to this Court reveals that the relaxation age in respect of the faculty in primary school would be only applicable to the aided colleges whereas the post so advertised vide Ext.P1 was for appointment of Assistant Professor in various department/disciplines under the faculties of Agriculture / Agricultural Engineering others including physical education. Kerala Agricultural University has its own statute and is an autonomous body. Relaxation of age service; for consideration of the candidature of the petitioner would not be applicable. The reasoning assigned by the University in my view was sufficient for the petitioner to rest but has chosen to approach this Court. I am in agreement with the argument of respondent University regarding the criteria and procedure for short-listing of the candidates for the post of Assistant Professor in the University and the colleges as per the UGC regulation 2018. Concededly, the petitioner as on 1.1.2020 was 44, whereas in the application invited from the eligible candidates, age fixed was 40 years. No ground for interference is warranted under Article 226 of the Constitution of India for issuance of appropriate directions. Writ petition is accordingly dismissed.