

(2023) 03 KL CK 0142
In the High Court Of Kerala
Case No : Writ Petition (C) No. 8686 Of 2023

Jayan A K

APPELLANT

Vs

Principal Secretary

RESPONDENT

Date of Decision : 14-03-2023

Acts Referred:

Sree Sankaracharya University of Sanskrit Act, 1994 — Section 31(1)

Citation : (2023) 03 KL CK 0142

Hon'ble Judges : Murali Purushothaman, J

Bench : Single Bench

Advocate : Sunil Kumar Kuriakose, Nayana Varghese

Final Decision : Disposed Of

Judgement

Murali Purushothaman, J

1. The petitioner is a Lecturer (Non-UGC) in Darushilpa, Department of Painting of the Sree Sankaracharya University of Sanskrit, Kalady/ the 2nd respondent. According to the petitioner, as per the conditions of service prevalent at the time of his appointment, he was entitled to continue in service till the age of 60 years. However, the 2nd respondent University, as per Ext.P5, proposed an amendment to the retirement age and as per the amended proposal, the petitioner will have to retire from the service on attaining the age of 56 years. The petitioner points out that the amendment proposal made to Section 31(3) of the Sree Sankaracharya University of Sanskrit Act, 1994 (hereinafter referred to as 'the Act' for short), provides that, "the retirement age of the teachers not qualified as per the UGC Regulations and that of teaching and non-teaching officers and other employees of the University shall be at the age as in the Government". It is stated that the said amendment has been approved by the Government as per Ext.P6. The contention of the petitioner is that, classification of the teaching staff into UGC and non-UGC staff for the purpose of retirement as per Exts.P5 and P6 is discriminatory. The petitioner has therefore filed Ext.P7 representation before the Principal Secretary, Higher Education Department/ the 1st respondent and

the limited prayer is for a consideration of Ext.P7 within a time frame.

2. Heard the learned Counsel for the petitioner, learned Standing Counsel for respondents 2 to 5 and the learned Government Pleader for the 1st respondent.

3. In the facts and circumstances of the case and having regard to the submissions made by the Counsel on both sides and without expressing any views on the merits of Ext.7 representation, I dispose of this writ petition directing the 1st respondent to consider Ext.P7 representation submitted by the petitioner within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of with the above directions.