

(2021) 01 KL CK 0526

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27962 Of 2019

Jolly K. James

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 22-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0526

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : Sindhu Santhalingam, A.D. Shajan

Judgement

1. This writ petition is filed seeking the following prayers:

â??a) Call for the records connected with the case;

b) issue a writ of mandamus or other appropriate order or direction, directing the respondents 2 to 5 to consider the application for the

upper age limit of the petitioner for teaching MSW course in the 5th respondent college.

c) Declare that the petitioner is entitled to get similar relief granted in Ext.P3 upper age limit relaxation order.

d) Declare that the petitioner is entitled to continue teaching even after the crossing of upper age limit factor in teaching MSW course in the

5th respondent college;

e) Declare that the delay and laches in consideration of Ext.P6 representation by respondents 2 to 5 are illegal and arbitrary;

f) Direct the respondents 2 to 5 to engage the petitioner as a teaching of 5th respondent college on temporary basis till the consideration of

Ext.P6 representation.â??

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the petitioner has been appointed as Guest Lecturer and has been teaching classes in

the MSW course which was sanctioned in the year 2014-15. It is submitted that the posts have now been sanctioned by Ext.P11 order dated

30.12.2020. It is submitted that the petitioner, who was well within the upper age limit for appointment, when she was initially appointed as Guest

Lecturer against the post, has now crossed the upper age limit and is rendered ineligible for appointment against the regular post. It is submitted that

on an earlier occasion, when there was a ban of appointments on account of the pre-degree de-linking, the Government had passed Ext.P3 order

relaxing the upper age limit for appointments. The petitioner has preferred Ext.P6 representation before respondents 2 to 4 seeking the relaxation of

the upper age limit to make her eligible for consideration for appointment against the regular post now sanctioned by Ext.P11. It is submitted that the

representation is liable to be considered.

4. A counter affidavit has been placed on record by the 4th respondent. It is submitted that the petitioner had been working as Guest Lecturer in the

5th respondent's College. It is submitted that the exemptions cannot be granted to persons who are appointed as Guest Lecturer in BSW or MSW

courses since Ext.P3 does not apply to such courses.

5. Having considered the contentions advanced, I find that the request in Ext.P6 is for the relaxation of the upper age limit to make the petitioner

eligible for appointment in regular vacancies which have arisen due to the sanctioning of posts on account of Ext.P11. It is submitted by the learned

counsel for the petitioner that the 5th respondents College has been sanctioned with the MSW course and that the request made by the petitioner is

therefore liable to be considered.

In the above view of the matter, there will be a direction to respondents 2 to 4 to take up, consider and pass orders on Ext.P6 representation preferred

by the petitioner with notice to the petitioner as well as the Manager within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.