

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE T.R.RAVI**

Tuesday, the 12th day of September 2023 / 21st Bhadra, 1945
WP(C) NO. 21210 OF 2023 (A)

PETITIONERS:

1. HASKER E., AGED 45 YEARS, ASSISTANT PROFESSOR, DEPARTMENT OF FOOD TECHNOLOGY, MES MAMPAD COLLEGE, MALAPPURAM, PIN - 676542
2. SHAMEEM AKTHAR K., AGED 32 YEARS, S/O. MOHAMED RASHEED K., ASSISTANT PROFESSOR, DEPARTMENT OF COMPUTER SCIENCE, MALABAR COLLEGE OF ADVANCED STUDIES, VENGARA, MALAPPURAM, PIN - 676519
3. MOHAMMED ROSHIF U., AGED 36 YEARS, S/O. AHAMED BASHEER U., ASSISTANT PROFESSOR, DEPARTMENT OF COMMERCE AND MANAGEMENT STUDIES, MALABAR COLLEGE OF ADVANCED STUDIES, VENGARA, MALAPPURAM, PIN - 676519

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. UNIVERSITY GRANTS COMMISSION, REPRESENTED BY SECRETARY, BAHADUR SHAH ZAFAR MARG, NEW DELHI, PIN - 110002
3. UNIVERSITY OF CALICUT, REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY P.O., THENHIPALAM, MALAPPURAM, PIN - 673635
4. REGISTRAR, UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O., THENHIPALAM, MALAPPURAM, PIN - 673635
5. PRINCIPAL, MES MAMPAD COLLEGE, MALAPPURAM, PIN - 676542
6. PRINCIPAL, MALABAR COLLEGE OF ADVANCED STUDIES, VENGARA, MALAPPURAM, PIN - 676519

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the 4th respondent to provisionally grant the benefit of Career Advancement Scheme sanctioning AGP of Rs 7,000/- to the petitioners pending disposal of the Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S P.MOHANDAS (ERNAKULAM), R.BHASKARA KRISHNAN, K.SUDHINKUMAR, GOKUL D. SUDHAKARAN, SABU PULLAN, K.P.SATHEESAN (SR.), BHARATH MOHAN Advocates for the petitioners, and of GOVERNMENT PLEADER for R1, and of Sri. S. KRISHAMOORTHY STANDING COUNSEL FOR R2, of Sri.P.C SASIDHARAN, STANDING COUNSEL for R3 and R4, the court passed the following:

T.R.RAVI, J.

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Dated this the 12th day of September, 2023

ORDER

The petitioners have challenged Exts.P7, P8 and P9 and seek a direction to the 4th respondent to include them under the Career Advancement Scheme since they have obtained a PG Degree in professional courses. Ext.P1 is the relevant portion of the notification issued by the University Grants Commission. It shows that under the Career Advancement Scheme for promotion from the post of Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11), persons who have completed four years of service and have a Ph D. Degree or five years of service with M Phil/PG Degree in professional courses such as LL.M./M.Tech, M.V. Sc., MD or six years of service without a Ph D./M Phil/PG Degree in professional courses, are eligible. The petitioners' case is that they have five years of service and PG Degree in professional courses. The 1st petitioner has the qualification

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of M Sc.(Food Science and Technology), the 2nd petitioner has the qualification of MCA and NET and the 3rd petitioner has the qualification of MBA and NET. The 4th respondent has expressed a doubt as the UGC notification, after stating PG Degree in professional courses, says “such as LL.M., M Tech, M.V. Sc., MD”, whether other PG Degree in professional courses will make the candidate eligible for the Career Advancement Scheme. It is stated that a letter seeking clarification has been addressed to the UGC, but no reply has been received.

2. I do not think, on a reading of the regulation, that any such clarification is required. The required eligibility is PG Degree in professional courses. The word “such as” shows that what is added thereafter are all examples of PG Degree in professional courses. The discipline in which the petitioners have a PG Degree are all professional Degree courses and as such, they are prima facie eligible.

In the above circumstances, there will be an interim direction to the 4th respondent to provisionally grant the

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benefit of the Career Advancement Scheme to the petitioners pending disposal of the writ petition.

H/o

Sd/-
T.R.RAVI
JUDGE

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APPENDIX OF WP(C) 21210/2023

Exhibit-P1	TRUE COPY OF THE RELEVANT PAGES OF THE UGC REGULATION PUBLISHED AS PER NOTIFICATION DATED 18-07-2018
Exhibit-P7	TRUE COPY OF THE COMMUNICATION NO.175847/G&A-II-SPL.CEL 1/2018/ADMN DATED 28-02-2019 GIVEN BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT CONCERNING THE 1ST PETITIONER
Exhibit-P8	TRUE COPY OF THE COMMUNICATION NO. 273673/GA-II-SPECIAL CELL-I-ASST-1/2022/ADMN DATED 17-05-2023 GIVEN BY THE 4TH RESPONDENT TO THE 6TH RESPONDENT CONCERNING THE 2ND PETITIONER
Exhibit-P9	TRUE COPY OF THE COMMUNICATION NO. 273673/GA-II-SPECIAL CELL-I-ASST-1/2022/ADMN DATED 7-12-2022 GIVEN BY THE 4TH RESPONDENT TO THE 6TH RESPONDENT CONCERNING THE 3RD PETITIONER

