



E-CA NO : CA-2025-014364

E-FILING NO : EF-HCK-2024-099339

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

____ Of Year 2025

In

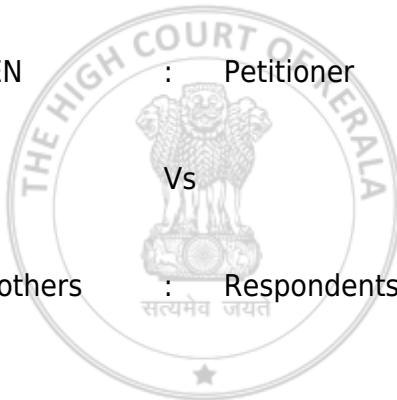
WP(C) No.40277/2024

DR.VIJO THOMAS KURIEN

: Petitioner

STATE OF KERALA and others

: Respondents



COUNTER AFFIDAVIT FILED BY THE 8 TH RESPONDENT.

Sd/-
E-VERIFIED
GOVERNMENT PLEADER
GP-2



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DR.VIJO THOMAS KURIEN : Petitioner

V/S

STATE OF KERALA and others : Respondents

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BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

WRIT PETITION (CIVIL) No. 40277 OF 2024

Dr. Vijo Thomas Kurien : Petitioner

vs.

State of Kerala & Others : Respondents

COUNTER AFFIDAVIT FILED BY THE 8TH RESPONDENT IN THE
ABOVE CASE

I, Pragash R, aged 56 years, S/o. Ramaiyah, residing at , do hereby solemnly affirm and state as follows:

1. I am the Deputy Director of Collegiate Education, Kottayam and the 8th respondent in the above case. I am conversant with the facts of the case as disclosed from the relevant records. All the allegations and averments contained in the Writ Petition except those which are specifically admitted hereunder are denied.
2. The above Writ Petition is filed challenging Exhibit P6 and to direct the 8th respondent to grant approval for the promotion of the Writ Petitioner to the post of Assistant Professor Academic Level II (Stage 2) and to declare that the Writ Petitioner is entitled to be promoted to the post of Assistant Professor Academic Level II (Stage 2).
3. It is submitted that the petitioner is working as Assistant Professor of Zoology Department at CMS College, Kottayam. The petitioner was initially

appointed as Assistant Professor at Bishop Moore College, Mavelikkara affiliated to University of Kerala vide Order No. Ac.FI/2/54489/2011 dated 20.04.2011 from Registrar, University of Kerala and relieved from this college from 28.02.2013.

4. On 01.03.2013 the petitioner joined CMS College, Kottayam which is under different management and affiliated to Mahatma Gandhi University, Kottayam through another selection procedure. petitioner's appointment was approved vide Order No. 3517/BII/I/2014/Acad dated 08.07.2014 by the MG University Registrar.

5. It is submitted that vide Order No. 10203/ACB4/2023/MGU dated 27.09.2023 M G University approved the petitioner's Assistant Professor (Stage 2) promotion with effect from 13.08.2016. College Principal submitted the petitioner's application for claiming fixation of pay in the Assistant Professor (Stage 2) promotion to this office. On verification it is found that the MG University has approved petitioner's Assistant Professor (Stage 2) promotion after counting previous service as Assistant Professor in the Bishop Moore College, Mavelikkara. This office rejected the application from this office since as per letter No. F3/65/2024 dated 09.05.2024 from the Principal Secretary, Higher Education it has been clarified that previous service cannot be counted for placement promotion/career advance scheme in the UGC 7th scheme and 6th scheme. As per letter No. D1/186/2020 issued by the Additional Chief Secretary to the Registrar of Kerala University dated 03.08.2021 it has also been clarified that even though there exists the provision for reckoning previous service cannot be counted for placement promotion.

6. Although as per UGC Regulation 2010 and UGC Regulation 2018 there is remark of counting previous service. But in the UGC Pay Revision orders implemented in the State of Kerala (6th and 7th) there is no remark of counting

implemented in the State of Kerala (6th and 7th) there is no remark of counting previous service in the placement promotion. Also in GO(P) No. 392/2010/H.Edn dated 10.12.2010 as per which 6th UGC regulations were implemented in the State, it has been ordered in para 6 that where there are any provisions in the regulations inconsistent with the provision in the GO(P) No. 58/2010/H.Edn dated 27.03.2010 (6th UGC Pay Revision Order), those provisions in the Government Order would override the provisions in the Regulations to the extent of such inconsistency. It is also seen that as per GO(P) No. 28/2019/H.Edn dated 29.09.2019 where 7th UGC regulations was implemented in the State, para 5 states that where there are any provisions in the regulations inconsistent with the provision in the GO(P) No. 18/2019/H.Edn dated 29.06.2019 (7th UGC Pay Revision Order), those provisions in the Government Order would override the provisions in the regulations to the extent of such inconsistency. Above mentioned Government Orders are also applicable to Aided Colleges also. Therefore M G University has approved the petitioner's Assistant Professor Stage 2 promotion without following the Government Order.

In the circumstances, it is most respectfully prayed that this Honourable Court may be pleased to dismiss the Writ Petition.

What is stated above in paragraphs 1 to 6 is true to the best of my knowledge information and belief derived from records and I believe the same to be true.

Dated this the 20th day of March, 2025.

DEPONENT

Dr. PRAGASH R
PEN 595933
Professor in Charge of
Deputy Director of Collegiate
Education, Kottayam

Solemnly affirm and signed before me by the deponent whom I know on this the 20th day of March, 2025 at the Office of the Deputy Directorate of Collegiate Education, Kottayam.


TONY AUGUSTINE
GOVERNMENT PLEADER


26-3-25

GEORGE MATHEW
PEN 378092
Accounts Officer
Deputy Directorate of Collegiate Education
Kottayam

