

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 7<sup>TH</sup> DAY OF JULY 2021 / 16TH ASHADHA, 1943

WP(C) NO. 8952 OF 2021

PETITIONERS :-

- 1 DR.MARTIN G.D., AGED 41 YEARS  
S/O.G.O. DEVASSYKUTTY, CONVENER,  
RESEARCH SCHOLARS ASSOCIATION, 1ST FLOOR,  
EVA TOWERS, NEAR CENTRAL POLICE STATION,  
COMBARA JUNCTION, KOCHI - 682 018,  
RESIDING AT GOPURATHINGAL HOUSE, ANGAMALY,  
ERNAKULAM - 683 573.
- 2 LAKSHMI ELAYADATH, AGED 41 YEARS  
W/O.RAM MOHAN VARMA, RESIDING AT FLAT NO 7E,  
GOOD EARTH ELEMENTS, COCHIN PUBLIC SCHOOL ROAD,  
THRIKKAKARA, ERNAKULAM - 682 021.

BY ADVS.  
SRI.S.MUHAMMED HANEEFF  
SRI.M.H.ASIF ALI

RESPONDENTS :-

- 1 STATE OF KERALA  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO  
GOVERNMENT, HIGHER EDUCATION DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE KERALA STATE HIGHER EDUCATION COUNCIL,  
REPRESENTED BY ITS MEMBER - SECRETARY,  
SCIENCE AND TECHNOLOGY MUSEUM CAMPUS,  
VIKAS BHAVAN P.O., PMG, THIRUVANANTHAPURAM - 695 033.

BY SRI.T. RAJASKHARAN NAIR- SR. G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
07.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

**Dated the 7<sup>th</sup> day of July, 2021**

This writ petition is filed seeking the following reliefs :-

- “i) Issue a writ of mandamus or any other appropriate writ order or direction directing the 1<sup>st</sup> respondent to take a decision on Ext.P6 representation preferred by the 1<sup>st</sup> petitioner, after affording an opportunity of hearing to the petitioners, within a time frame fixed by this Hon'ble Court.
- ii) Issue a writ of mandamus or any other appropriate writ order or direction directing the 1<sup>st</sup> respondent to implement item No.A1 in Additional Agenda of Ext.P5 minutes of the 2<sup>nd</sup> respondent Council, within a time frame fixed by this Hon'ble Court.”

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

3. It is submitted by the learned counsel for the petitioners that seeking directions to implement the recommendation of the Higher Education Council with regard to the enhancement of the upper age limit for appointment to the post of Assistant Professors, the 1<sup>st</sup> petitioner has approached the Government with Ext.P7 representation and the same is liable to be considered in accordance with law.

4. It is submitted by the learned Government Pleader that Ext.P7 does not show the date on which it was made or the date on which it was received by the respondents.

In any view of the matter, since the petitioners submit that the 1<sup>st</sup> petitioner has approached the Government with a representation, this writ petition is disposed of with direction to the 1<sup>st</sup> respondent to take up, consider and pass orders on Ext.P7 representation preferred by the 1<sup>st</sup> petitioner. Further copy of Ext.P7 representation with all the supporting documents shall be produced by the petitioners along with a copy of this judgment before the 1<sup>st</sup> respondent for compliance. Orders shall be passed by the 1<sup>st</sup> respondent, after considering Ext.P7 and the documents appended thereto, within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

**Sd/-**  
**ANU SIVARAMAN**  
**JUDGE**

**APPENDIX OF WP(C) 8952/2021**

PETITIONER ANNEXURE

- EXHIBIT P1        A TRUE COPY OF THE CURRICULUM VITAE OF THE 1ST PETITION UPDATED AS ON DATE.
- EXHIBIT P2        A TRUE COPY OF THE CURRICULUM VITAE OF THE 1ST PETITIONER UPDATED AS ON DATE.
- EXHIBIT P3        A TRUE COPY OF THE MINUTES OF THE MEETING OF THE EXECUTIVE BODY OF THE 2ND RESPONDENT HELD ON 17.04.2018.
- EXHIBIT P4        A TRUE COPY OF THE ORDER BEARING G.O.(MS) NO. 294/2019/H.EDN. DTD. 17.8.2019 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P5        A TRUE COPY OF THE MINUTES OF THE MEETING OF THE EXECUTIVE BODY OF THE 2ND RESPONDENT HELD ON 21.01.2020.
- EXHIBIT P6        A TRUE COPY OF THE REPRESENTATION DT.NIL SUBMITTED BY THE 1ST PETITIONER BEFORE THE HONBLE MINISTER FOR HIGHER EDUCATION WITH COPY TO THE 1ST RESPONDENT.
- EXHIBIT P7        A TRUE COPY OF THE REPRESENTATION DT. NIL PREFERRED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.