



"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE HARISANKAR V. MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2026/7TH PHALGUNA,1947

WP(C) NO. 5027 OF 2023

PETITIONER:

JOVITA JAMES, AGED 28 YEARS,
ASSISTANT PROFESSOR (ENGLISH), ALL SAINT'S
COLLEGE, VELI-PERUMATHURA ROAD, KARIKKAKAM,
THIRUVANANTHAPURAM - 695007 RESIDING AT
CADAVUNKAL HOUSE, C. MADHAVAN ROAD, PALLITHAZHAM,
NORTH PARAVUR, ERNAKULAM DISTRICT,
PIN - 683513.

BY ADVS.

SMT.NISHA GEORGE

SRI.GEORGE POONTHOTTAM (SR.)

RESPONDENTS:

- 1 THE UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM - 695034,
REPRESENTED BY ITS REGISTRAR
- 2 ALL SAINT'S COLLEGE, VELI-PERUMATHURA ROAD,
KARIKKAKAM, THIRUVANANTHAPURAM - 695007,
REPRESENTED BY ITS MANAGER.



3 THE PRINCIPAL, ALL SAINT'S COLLEGE,
VELI-PERUMATHURA ROAD, KARIKKAKAM,
THIRUVANANTHAPURAM, PIN - 695007.

ADDL.R4 DR. RESHMA ANN ROLLIN, W/O ANI ANTONY,
AGED 31 YEARS, RESIDING AT T.C. 11/787, G.V.2,
VAYAL ROAD, COWDIAR P.O., THIRUVANANTHAPURAM.

(ADDL R4 IMPEADED AS PER ORDER DATED 11/04/23 IN
IA 1/2023)

ADDL.R5 DR.PREETHU.P., AGED 37 YEARS, PRAYAG' KRA-127,
RAILWAY STATION ROAD, PETTAH, THIRUVANANTHAPURAM.

ADDL.R6 ROSHNI.C, AGED 37 YEARS, ANJANAM' CRA-177,
PLAVILA LANE, PONGUMODU, THIRUVANANTHAPURAM

(ADDL R5 AND, R6 IMPEADED AS PER ORDER DATED
9/10/2023 IN I.A 6/2023)

BY ADVS.

SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

SRI.A.S.SHAMMY RAJ

SHRI.ELVIN PETER P.J. (SR.)

SRI.B.RAGHUNATHAN

SHRI. B.VIJAYAKUMAR

SRI.K.R.GANESH

SMT.GOURI BALAGOPAL

SHRI.ABHIJITH.K.ANIRUDHAN

SHRI.SREELEKSHMI A.S.

SHRI.R.SRINATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19.02.2026, ALONG WITH WP(C) NOS.13773/2023 AND 36146/2022,
THE COURT ON 26.02.2026 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2026/7TH PHALGUNA, 1947

WP(C) NO.13773 OF 2023

PETITIONER:

RESHMA ANN ROLLIN, AGED 31 YEARS,
W/O. ANI ANTONY, RESIDING AT T.C. 11/787/G.V.21,
VAYAL ROAD, COWDIAR P.O., THIRUVANATAPURAM,
PIN - 695003.

BY ADVS.

SHRI.ELVIN PETER P.J. (SR.)
SRI.K.R.GANESH
SMT.GOURI BALAGOPAL
SHRI.ABHIJITH.K.ANIRUDHAN
SHRI.SREELEKSHMI A.S.

RESPONDENTS:

- 1 THE UNIVERSITY OF KERALA,
SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM-
REPRESENTED BY ITS REGISTRAR, PIN - 695034.
- 2 ALL SAINTS' COLLEGE,
VELI-PERUMATHURA ROAD, KARIKKAKAM,
THIRUVANANTHAPURAM-, REPRESENTED BY ITS
MANAGER, PIN - 695007.



- 3 THE PRINCIPAL, ALL SAINTS' COLLEGE,
VELI-PERUMATHURA ROAD, KARIKKAKAM,
THIRUVANANTHAPURAM, PIN - 695007.
- 4 JOVITA JAMES, D/O. JAMES.C. JOSE, ASSISTANT
PROFESSOR (ENGLISH), ALL SAINT'S COLLEGE, VELI-
PERUMATHURA ROAD, KARIKKAKAM, THIRUVANANTHAPURAM,
RESIDING AT CADAVUNKAL HOUSE, C. MADHAVAN ROAD,
PALLITHAZHAM, NORTH PARAVUR, ERNAKULAM DISTRICT,
PIN - 695007.

BY ADVS.

SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA
SRI.A.S.SHAMMY RAJ
SMT.NISHA GEORGE
SRI.GEORGE POONTHOTTAM (SR.)
SHRI. B.VIJAYAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19.02.2026, ALONG WITH WP(C).5027/2023 AND CONNECTED CASES,
THE COURT ON 26.02.2026 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE HARISANKAR V. MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2026/7TH PHALGUNA, 1947

WP(C) NO.36146 OF 2022

PETITIONERS:

- 1 DR.PREETHU P., AGED 36 YEARS,
'PRAYAG' KRA-127, RAILWAY STATION ROAD, PETTAH,
THIRUVANANTHAPURAM-695 024.
- 2 ROSHNI.C, 'ANJANAM' CRA-177, PLAVILA LANE,
PONGUMOODU, THIRUVANANTHAPURAM-695 011.

BY ADVS.

SRI.B.RAGHUNATHAN

SHRI. ASOKAKUMAR B.

SRI.V.M.JACOB

SRI.K.JALADHARAN

SHRI.R.SRINATH

DR.STANLY CHAZHOOR

SRI.M.SALIM

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY PRINCIPAL
SECRETARY TO THE GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.



- 2 DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 033.
- 3 UNIVERSITY OF KERALA, REPRESENTED BY REGISTRAR,
UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695 034.
- 4 MANAGER, ALL SAINTS' COLLEGE, CHACKAI,
SHANGHUMUGHAM, THIRUVANANTHAPURAM-695 007.
- 5 SELECTION COMMITTEE FOR SELECTION
TO THE POST OF - ASSISTANT PROFESSOR (ENGLISH),
REPRESENTED BY MANAGER, SELECTION COMMITTEE FOR
SELECTION TO THE POST OF ASSISTANT PROFESSOR
(ENGLISH), ALL SAINTS' COLLEGE, CHACKAI,
SHANGHUMUGHAM, THIRUVANANTHAPURAM -695007.
- 6 SMT.SHALINI HARILAL, ASSISTANT PROFESSOR
(ENGLISH), ALL SAINTS' COLLEGE, CHACKAI,
SHANGHUMUGHAM, THIRUVANANTHAPURAM-695 007.
- 7 SMT.NIKITA ANN JACOB,
ASSISTANT PROFESSOR (ENGLISH), ALL SAINTS'
COLLEGE, CHACKAI, SHANGHUMUGHAM,
THIRUVANANTHAPURAM-695 007.
- 8 SMT.JOVITA JAMES,
ASSISTANT PROFESSOR (ENGLISH), ALL SAINTS'
COLLEGE, CHACKAI, SHANGHUMUGHAM,
THIRUVANANTHAPURAM-695 007.

BY ADVS.

SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

SHRI. B.VIJAYAKUMAR

SRI.V.M.KRISHNAKUMAR

SMT.NISHA GEORGE

SRI.GEORGE POONTHOTTAM (SR.)

SRI.A.S.SHAMMY RAJ

SRI.RENJITH THAMPAN (SR.)

SMT.MAYA M.



THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19.02.2026, ALONG WITH WP(C).5027/2023 AND CONNECTED CASES, THE COURT ON 26.02.2026 DELIVERED THE FOLLOWING:



JUDGMENT

[W.P(C) Nos.5027 and 13773 of 2023 and 36146 of 2022]

These writ petitions pertain to certain disputes regarding the selection and appointment to the post of Assistant Professor (English) at the All Saints' College, Thiruvananthapuram.

2. The college invited applications from female candidates for appointment to the post of Assistant Professor in various subjects, including English, as seen from the notification dated 26.09.2021. The norms for the selection as above are stated to be pursuant to the prescription issued by the University of Kerala. In response to the notification issued as above, various applications were received. The applications were considered by the scrutiny committee, leading to the preparation of a score sheet. In this score sheet, candidates were included under the open merit and community list. The petitioners in W.P(C) No.36146 of 2022 were included at Serial Nos.4 and 30 under open merit. The name of the 2nd petitioner also figures at serial No.4 in the community merit list. Respondents 6, 7, and 8 in the said writ petition were also included in the open merit; the 8th



respondent also figuring in the community merit list. The petitioners state that for a candidate to be called for the interview, one should obtain at least 60 marks in the open merit quota and 55 marks under community quota. They further state that respondents 6, 7, and 8 had scored 60, 60, and 56 marks, respectively, and therefore, got included in the respective quotas. The petitioners state that the inclusion of respondents 6, 7, and 8 as above was incorrect and arbitrary since:

- i. The 6th respondent was granted two marks each for the publication of three articles in journals, but one article was not published in a journal, but in a "textbook" and hence could not be considered to be "Peer Reviewed or UGC listed journal" as required under the norms referred to earlier produced along with W.P(C) No.36146 of 2022 as Ext.P2. Therefore, the petitioners state that as regards the 6th respondent, two marks have to be deducted, in which event, she only has 58 marks, on account of which, she is not at all to be interviewed.
- ii. The 7th respondent was granted two marks each for two articles, published in the Journal of Research in Humanities and Social Science, which is only a "predatory journal". Therefore, the six marks awarded to the 7th respondent also require to be deducted, in which event, her score would be 54.



- iii. As regards the 8th respondent, since the article published is a "joint/co-authored one," full marks could not be granted, and if at all, only 1.4 marks could be awarded.

Therefore, the petitioners have instituted W.P(C) No.36146 of 2022, seeking the following reliefs:

- i. Issue a writ of certiorari or other appropriate writ, direction, or order to call for the records leading to the interview, selection, and appointment of respondents 6 to 8 to the post of Assistant Professor (English) in the 4th respondent, All Saints' College, Thiruvananthapuram, and quash the same.
- ii. Issue a writ of mandamus or other appropriate writ order or direction to respondents 1 to 4 to appoint petitioners or other eligible candidates from Ext.P3 on the basis of merit or else to conduct a fresh selection for appointment to the post of Assistant Professor (English) in 4th respondent – All Saints' College, Thiruvananthapuram.

The 8th respondent in W.P(C) No.36146 of 2022 was initially appointed by the college pursuant to an appointment order dated 01.06.2022, after successfully completing the selection process. However, a show cause memo dated 18.08.2022 is issued by the 'Manager' of the college informing that since one of the publications was a co-authored one, only 1.4 marks could be



awarded, on account of which the total marks obtained by the said respondent could only be 53.4, which is below the cut off mark of 55, on account of which the interview and the subsequent appointment is null and void. The said respondent filed a detailed reply essentially admitting to the entitlement for 1.4 marks for the publication, however, stating that she was entitled to 4 marks for the "teaching experience" with reference to her experience in various colleges, and therefore, pointing out that the total score should be reckoned as 55.4. The said respondent had also sought to challenge the proceedings initiated as above by filing W.P(C) No.30112 of 2022 before this Court, and by judgment dated 19.10.2022, this Court found that if at all, it is only the duly constituted selection committee which could review the decision already taken and not the Manager of the college. Therefore, the explanation offered as above was directed to be considered by the management of the college and to forward the same to the committee concerned if found necessary, permitting the teacher to continue in her position. However, the selection committee decided to conduct a fresh interview so as to ensure "transparency, accountability and competence in the selection process" pursuant



to a meeting held on 14.11.2022. The aforesaid decision of the management is sought to be challenged by the teacher concerned, by filing W.P(C) No. 5027 of 2023. Another applicant who had participated in the selection process has sought to challenge the appointment extended to the petitioner in W.P(C) No.5027 of 2023, seeking to rely on the mistake pointed out by the Manager referred to earlier and praying for a direction to appoint her instead, by filing W.P(C) No.13773 of 2023.

3. I have heard Sri.B.Raghunathan, the learned counsel for the petitioners in W.P(C) No.36146 of 2022, Sri.Renjith Thampan, the learned senior counsel for the 6th respondent therein and Sri.George Poonthottam, the learned senior counsel instructed by Smt.Silpa Sreekumar for the 7th and 8th respondents therein. I have also heard Sri. Elvin Peter P.J., the learned senior counsel for the petitioner in W.P(C) No.13773 of 2023, as well as Sri.A.S Shammy Raj, the learned counsel for the Manager of the college, Sri.Thomas Abraham, the learned Standing Counsel for the University, and Sri.N.B. Sunil Nath, the learned Government Pleader.



4. Sri. Raghunathan, the learned counsel for the petitioner in W.P(C) No.36146 of 2022, would contend with reference to the requirement under the norms referred to above, as well as the averments in the writ petition and the reply affidavit, that respondents 6, 7, and 8 ought not to have been called for the interview. He invites the attention of this Court to the averments in the reply affidavit, to contend that the publication by the 7th respondent was in a "predatory journal" as would be clear from the publication of the very same article offered for publication in the name of an imaginary person, getting published in the same journal. Therefore, according to him, the entire selection process was flawed, and the writ petition requires to be allowed.

5. Sri. Thampan, the learned senior counsel appearing for the 6th respondent, submits that the writ petition itself is liable to be rejected, as it proceeds on the assumption that the minimum requirement of marks for being called for the interview is a statutory requirement. He relies on the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in University and Colleges and other Measures for Maintenance of Standards in Higher Education)



Regulations, 2018 (hereinafter referred to as 'UGC Regulations') pursuant to the notification dated 18.07.2018, and submits that the only requirement or qualification prescribed as per the Regulations is under Regulation 4.1. Since no minimum marks are prescribed anywhere therein, the issue does not require adjudication, according to him. He would also state that it is ultimately since the selection committee represented by the 4th respondent in the writ petition accepted the academic brilliance of the 6th respondent, she was considered, and the Court ought not interfere, as held by the Apex Court in **B.C.Mylarappa Alias Dr.Chikkamylarappa v. Dr.R.Venkatasubbaiah and Others [(2008) 14 SCC 306]**.

6. Sri. Poonthottam, the learned senior counsel appearing for respondents 7 and 8, also relies on the UGC Regulations referred to above and submits that the subjective satisfaction of the 5th respondent is not liable to be tested by this Court. With reference to the writ petition filed by the 8th respondent, as noticed earlier – W.P(C) No.5027 of 2023, he states that the directions issued by this Court in Ext.P12 judgment have not been acted upon by the committee, as evidenced by the impugned proceedings at



Ext.P13, in the writ petition. He also relies on Exts.P15 and P16 notifications issued by Mahatma Gandhi University to contend that, with reference to the teaching experience claimed by the petitioner, as evidenced by the aforesaid notifications, the petitioner was entitled to 4 marks, in which event, the petitioner would be entitled to be considered for the interview. For the very same reason, he says W.P(C) No.13773 of 2023 is liable to be dismissed.

7. Sri.Elvin Peter, the learned senior counsel for the petitioner in W.P(C) No.13733 of 2023, would contend that the 4th respondent in the writ petition (the petitioner in W.P(C) No.5027 of 2023) was not entitled to be called for the interview for more than one reason. Apart from seeking to rely on the college's finding that the 4th respondent was only entitled to 1.4 marks for the articles published, he would state that the contention in W.P(C) No.5027 of 2023 that the petitioner therein (4th respondent in this case) was entitled for 4 marks as against her teaching experience is also incorrect. He would contend that the claim for 4 marks was raised with reference to the experience as a "Guest Lecturer" and, going by the Division Bench judgment of this Court in



Vasundhara G. v. Dr. Sallas Benjamin and Others [2010 (1) KHC 514], the experience as a Guest Lecturer could not be reckoned for the purpose of considering the qualification in question. Without prejudice, he states that under the UGC Regulations (Ext.P8), marks for teaching experience are required to be awarded only on the basis of Table 3B under Regulation 6, according to which, where the experience is less than one year, the entitlement to marks shall be proportionate. Therefore, since the 4th respondent, even according to her, only had a claim for 17 months and 6 days experience disclosed in Ext.P9 application, was only entitled for 2.9 marks. He also relied on Section 2(1)(a) of the Kerala University First Statute, 1977 defining the term "academic year", and Section 2(27) of the Kerala University Act, 1974 defining the term "teacher", as well as UGC Regulations, to contend that only a regular service can be reckoned and not the service as a Guest Lecturer. As regards Exts.P15 and P16 relied on in W.P(C) No.5027 of 2023, it is his submission that, in view of the separate treatment visualised under the UGC Regulations, it is the said Regulations that would prevail. He also relies on the judgment of this Court in **P. V. Prakasini v. KPSC and Others**



[1993 (1) KLJ 632], as well as the judgment of the Apex Court in **Union of India and Others v. Rajesh P.U., Puthuvalnikathu and Others [(2003) 7 SCC 285]** to contend that the rank list need not be *set aside* in total as proposed by the college, instead, the 4th respondent requires to be removed from the list and petitioner accommodated.

8. I have considered the rival submissions as well as the connected records. As regards W.P(C) No.36146 of 2022, the question of entertaining the afore writ petition arises only in a situation where Ext.P1 notification and Ext.P2 norms fixed a minimum cut-off mark in the initial selection process for being considered for the interview. A perusal of Exts.P1 and P2 does not indicate any requirement regarding a minimum cut-off mark for being considered for the interview. Even according to the learned counsel for the college, the cut-off mark is fixed internally. That being so, in my opinion, the petitioners are not entitled to challenge the selection of respondents 6, 7, and 8 for interview. This is all the more so since the petitioners do not have a case that their candidature was more meritorious than the respondents and therefore, they require to be considered. Therefore, with reference



to the principles laid down by the Apex Court in **B.C.Mylarappa Alias Dr.Chikkamylarappa** (*supra*), the petitioners are not entitled to challenge the selection process. Therefore, W.P(C) No.36146 of 2022 would stand dismissed.

9. As regards W.P(C) No.5027 of 2023, the show cause notice at Ext.P9 was issued on the ground that the marks awarded for the two publications were incorrect, on account of which the petitioner therein would have only 53.4 marks, which is below the cut-off mark of 55. Sri.Shammi Raj, the learned counsel for the college, would argue that many candidates have secured marks between 50 and 54, and that is why the cut-off mark of 55 was fixed internally, and on account of the reasons stated in the show cause notice at Ext.P9, the petitioner was not eligible for being even interviewed. However, I notice that in the earlier round of litigation - W.P(C) No.30112 of 2022 - by Ext.P12 judgment, this Court had directed the management to consider Ext.P10 explanation and forward the same to the committee concerned, clarifying that it is for the selection committee to take a decision to review the marks earlier awarded. However, this Court notices that in the impugned Ext.P13 minutes, the matter has not been



addressed with reference to the mandate under Ext.P12 judgment. This is especially since the petitioner had, in Ext.P10 explanation, pointed out that she was entitled to four marks under the head "teaching experience." Though the petitioner also relied on Exts.P15 and P16 notifications issued by MG University, the committee did not consider the impact of the said notifications either. Even the contention raised regarding the entitlement to four marks towards teaching experience, as explained in Ext.P10, is not considered while issuing Ext.P13.

10. In this regard, this Court takes note of the contentions raised by the petitioner in W.P(C) No. 13773 of 2023 that, with reference to Table 3B to Regulation 6 of the UGC Regulations, the petitioner is entitled to only 2.9 marks for teaching experience and not 4 marks and consequently, the total marks of the petitioner would be only 54.3.

11. Therefore, the issue arising for consideration as regards the claim made by the petitioner in W.P(C) No.13773 of 2023 as against the 4th respondent therein is as to whether the 4th respondent therein is entitled to 4 marks towards teaching experience. The petitioner in W.P(C) No.13733 of 2023 would



contend that the 4th respondent is not entitled for any marks since her service as a Guest Lecturer does not require counting and if at all, she is entitled for only 2.9 marks. Therefore, the first issue to be considered is as to whether the service as a Guest Lecturer requires to be reckoned.

12. Sri.Elvin Peter, the learned senior counsel, relies on Regulation 10.0(e) under which the previous appointment as a Guest Lecturer is not to be reckoned. The provisions of Regulation 10.0, to the extent relevant herein reads as follows:

“10.0 Counting of Past Services for Direct Recruitment and Promotion under CAS

Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific/professional organizations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR and DBT, should count for the direct recruitment and promotion under the CAS of a teacher as Assistant Professor, Associate Professor, Professor or any other nomenclature, provided that:

.....

(e) The previous appointment was not as guest lecturer for any duration.”

(Underlining supplied)



Thus, on a reading of the afore clause, it is clear that the same applies to "direct recruitment and promotion under the CAS" of a teacher. Here, the dispute is not with reference to any appointment under the CAS. Direct recruitment is specifically dealt with under Regulation 4.1, and the limitation under Regulation 10.0(e) cannot be made applicable for direct recruitment, which is specifically dealt with under Regulation 4.1. At this juncture, the contentions raised by Sri.Elvin Peter, with reference to the provisions of the Kerala University Act, 1974 – Section 2(27) defining the term "teacher" and the judgment of a Division Bench of this Court in **Vasundhara** (*supra*), requires to be considered. True, Section 2(27) of the afore Act defines the term "teacher" as a principal, professor, associate professor, assistant professor, reader, lecturer, etc., not providing for a "Guest Lecturer. It is with reference to the identical provisions under the Calicut University Act, 1975, that the Division Bench of this Court in **Vasundhara** (*supra*) held that experience as a Guest Lecturer could not be reckoned for calculating the qualification. At the same time, in the case at hand, the appointment is admittedly being governed by the provisions of the UGC Regulations. The exclusion of experience as a Guest



Lecturer has been specifically provided for under Regulation 10.0, without extending such exclusion to other areas. In other words, the Regulation has been framed in such a way that the previous appointment as a Guest Lecturer requires exclusion only with reference to the appointments under the CAS. Insofar as this is not being specifically included under Regulation 4.1, in my opinion, the judgment of the Division Bench in **Vasundhara** (*supra*) cannot be applied to the facts and circumstances of the case at hand.

13. In the light of the afore finding, the second challenge raised as above requires to be addressed. The 4th respondent contends that with reference to her experience as a Guest Lecturer, she was entitled for 4 marks. The experience of the 4th respondent is claimed with reference to Exts.P3, P4 and P5 certificates produced along with W.P(C) No.5027 of 2023. The afore certificates cover the following periods: -

Ext.P3 - 23.07.2018 to 17.09.2018,

Ext.P4 - September 2018 to March 2019 and

Ext.P5 - 24.06.2019 to 31.03.2020

14. Sri.Elvin Peter, the learned senior counsel, on the face of the afore certificates would seek to rely on definition of the



term "academic year" under Section 2(1)(a) of the Kerala University First Statutes, 1977 as well as the treatment provided under Table 3B of the UGC Regulations and state that the 4th respondent was not having "full academic year" experience and therefore, the marks requires to be reduced proportionately. According to him, if the proportionate marks alone are extended, the 4th respondent is only entitled to 2.9 marks. However, Sri.Poonthottam, the learned senior counsel, states that, as is evidenced by Exts.P15 and 16 academic calendar of the University, the 4th respondent had the experience that was required and hence, the 4th respondent should be extended with four marks.

15. For an evaluation of afore contentions, the definition of the term 'academic year', as well as the Table of the UGC Regulations requires to be noticed as under:

"2.(1)(a) Academic Year' means a period of twelve months commencing from the first day of June.

Provided that in the case of teachers who are granted extension of service till the end of the academic year, the academic year shall mean the period of ten months from the first day of June.



Table:3B

**Criteria for short-listing of candidates for interview for the
Post of Assistant Professors in Colleges**

S. N.	Academic Record	Score			
		1.	Graduation	80% & Above = 21	60% to less than 80% = 19
2.	Post-Graduation	80% & Above = 25	60% to less than 80% = 23	55% (50% in case of SC/ST/OBC (non-creamy layer)/PWD) to less than 60% = 20	
3.	M.Phil	60% & above = 07		55% to less than 60% = 05	
4.	Ph.D.	25			
5.	NET with JRF	10			
	NET	08			
	SLET/SET	05			
6.	Research Publications (2 marks for each research publications published in Peer-Reviewed or UGC-listed Journals)	06			
7.	Teaching/Post Doctoral Experience (2 marks for one year each)#	10			
8.	Awards				
	International/National Level (Awards given by International Organisations/Government of India/Government of India recognised National Level Bodies)	03			
	State-Level (Awards given by State Government)	02			

#However, if the period of teaching/post-doctoral experience is less than one year then the marks shall be reduced proportionately."

True, the term 'academic year' means the period of twelve months commencing from the first day of June. However, what is required



under Table 3B is "teaching experience". Therefore, ultimately it is the period the candidate taught at an educational institution that requires to be considered. Otherwise, the requirement under Table 3B ought to have been with reference to teaching experience during an academic year. This Court is justified in arriving at this conclusion in view of the separate treatment provided at the footnote to the Table, which states that if the teaching experience is less than one year, the marks require to be reduced proportionately. With reference to this interpretation, the academic schedule of the MG University, Kottayam, under which the colleges in which the 4th respondent worked as a Guest Lecturer were functioning, requires to be noticed. The certificate at Ext. P15 states that the colleges reopened after the summer vacation on 04.06.2018 and that the undergraduate programmes commenced on 12.07.2018. With reference to the aforesaid, the 4th respondent had teaching experience from 23.07.2018 to 17.09.2018 at Vypin Government Arts and Science College, and thereafter at St. Paul's College till March 2019. Therefore, if at all, there can be any deficiency, that can be only from 12.07.2018 till 23.07.2018. So also, for the next year, the classes commenced



from 24.06.2019 in the undergraduate stream, and the petitioner had experience from that date onwards till the very end up to 31.03.2020 as evidenced by Ext.P5 certificate. Hence, the reduction of marks under the note to Table 3B requires to be made only for the period from 12.07.2018 to 23.07.2018. If it is so reworked, the 4th respondent would be entitled for 3.9 marks towards her teaching experience, by dividing the entitlement of 2 marks for the period during which the college functioned, imparting teaching to the students, and reducing the entitlement for 12 days from the total entitlement of the petitioner as under:-

Entitlement for one year.	=	2 marks
Entitlement for one month.	=	0.2 marks
Entitlement for one day.	=	0.006 marks

Entitlement for period of 12 days to be reduced in the year 2017-18 (12.07.2018- 23.07.2018) = 0.072

Marks for the period of entitlement claimed by the petitioner (23.07.2018 to 31.03.2019 and 24.06.2019 to 31.03.2020) = 3.9(4-0.072)

If the marks are so reworked, the petitioner would be entitled for 55.3 marks, and since it is above the cut-off mark of 55, she was entitled to be selected for the interview.



16. In this connection, this Court also refers to the judgment of the Apex Court in **Reserve Bank of India v. Peerless General Finance & Investment Co. Ltd., [(1987) 1 SCC 424]** wherein it is held as under:-

"33. Interpretation must depend on the text and the context. They are the bases of interpretation. One may well say if the text is the texture, context is what gives the colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. A statute is best interpreted when we know why it was enacted. With this knowledge, the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word. If a statute is looked at, in the context of its enactment, with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these glasses we must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place. It is by looking at the definition as a whole in the setting of the entire Act and by reference to what preceded the enactment and the reasons for it that the Court construed the



expression "Prize Chit" in *Srinivasa* and we find no reason to depart from the Court's construction."

Therefore, ultimately a statute requires to be provided with a purposive/contextual construction. If such an interpretation is not given, the teaching experience prescribed under Table 3B would also include the period during which the college was closed. Therefore, the definition of the term 'academic year' under Section 2(1)(a) of the Kerala University First Statutes, 1977 would also not apply.

In the light of the afore discussion, these writ petitions would stand disposed of as under: -

- i. W.P.(C) Nos.36146 of 2022 and 13773 of 2023 are dismissed.
- ii. W.P.(C) No.5027 of 2023 is allowed. Ext.P13 challenged therein is quashed. Respondents 2 and 3 to seek for approval of the petitioner's appointment from the University and disburse the salary due to her as early as possible, at any rate, within twelve weeks from today.

Sd/-

HARISANKAR V. MENON
JUDGE

In

APPENDIX OF WP(C) NO.5027 OF 2023

PETITIONER' S EXHIBITS :

- EXHIBIT-P1 TRUE COPY OF THE CERTIFICATE DATED 19.03.2018 ISSUED IN FAVOUR OF THE PETITIONER BY THE UNIVERSITY GRANTS COMMISSION.
- EXHIBIT-P2 TRUE COPY OF THE PUBLICATION CERTIFICATE ISSUED IN FAVOUR OF THE PETITIONER BY THE EDITOR, STUDIES IN INDIAN PLACE NAMES (SIPN) IN MARCH 2020.
- EXHIBIT-P3 TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED TO THE PETITIONER DATED 18.09.2018 BY THE VYPIN GOVERNMENT ARTS & SCIENCE COLLEGE.
- EXHIBIT-P4 TRUE COPY OF THE EXPERIENCE CERTIFICATE NO.SPC/173/TS/CERT DATED 17.05.2019 ISSUED TO THE PETITIONER BY THE PRINCIPAL, ST. PAUL' S COLLEGE.
- EXHIBIT-P5 TRUE COPY OF THE EXPERIENCE CERTIFICATE NO.A2/54/2019 DATED 04.05.2020 ISSUED TO THE PETITIONER BY THE GOVERNMENT ARTS AND SCIENCE COLLEGE, VYPIN.
- EXHIBIT-P6 TRUE COPY OF THE NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY DATED 26.09.2021 AND ITS TYPED LEGIBLE COPY.
- EXHIBIT-P7 TRUE COPY OF THE CURRICULUM VITAE DATED NIL SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P8 TRUE COPY OF THE APPOINTMENT ORDER DATED 01.06.2022 ISSUED BY THE 2ND RESPONDENT.



- EXHIBIT-P9 TRUE COPY OF THE SHOW CAUSE MEMO NO. APPT/ENGLISH/2022 DATED 18.08.2022 ISSUED BY THE 2ND RESPONDENT COLLEGE.
- EXHIBIT-P10 TRUE COPY OF THE REPLY TO EXHIBIT-P9 SHOW CAUSE MEMO DATED 25.08.2022 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P11 TRUE COPY OF THE NOTICE NO. APPT/ENGLISH/2022/2 DATED 20.09.2022 ISSUED BY THE 2ND RESPONDENT COLLEGE TO THE PETITIONER.
- EXHIBIT-P12 COPY OF THE JUDGMENT IN W.P. (C) NO. 30112 OF 2022 DATED 19.10.2022 PASSED BY THIS HON'BLE COURT.
- EXHIBIT-P13 COPY OF THE PROCEEDINGS GIVEN ON 25.11.2022 (MINUTES OF THE MEETING HELD ON 14.11.2022) IN PURSUANCE TO THE JUDGMENT IN W.P. (C) NO. 30112 OF 2022.
- EXHIBIT-P14 TRUE COPY OF THE SCHEDULE FOR UNDERGRADUATE PROGRAMMES BEARING NOTIFICATION NO. AC.A1/3/5478/2018 DATED 30.05.2018 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.
- EXHIBIT P15 TRUE COPY OF THE NOTIFICATION BEARING NO. AC.A1/3/5478/2018 DATED 30.05.2018 ISSUED BY THE M.G UNIVERSITY.
- EXHIBIT P16 TRUE COPY OF THE ACADEMIC SCHEDULE FOR THE YEAR 2019-20 BEARING NOTIFICATION NO.17016/ACA1/3/2019/ ACA1 DATED 27.05.2019 ISSUED BY THE M.G UNIVERSITY.
- EXHIBIT P17 TRUE COPY OF THE EXPERIENCE CERTIFICATE NO. SPC/173/TS/2019-20/ DATED 16.11.2022 ISSUED BY PRINCIPAL, ST. PAULS COLLEGE, KALAMASSERY.

**RESPONDENTS' EXHIBITS:**

- EXHIBIT-R2 (A)** TRUE COPY OF THE GUIDELINES ISSUED BY THE 1ST RESPONDENT VIDE NO: APPENDIX II TO U.O. NO.AC.F II/GENERAL/UGC - R-2018/2019 DATED 9.9.2021.
- EXHIBIT-R2 (B)** TRUE COPY OF THE PUBLICATION CERTIFICATE, ISSUED BY THE ALOCHANA CHAKRA JOURNAL (UNDATED) WHICH WAS PRODUCED BY THE PETITIONER BEFORE THE SELECTION COMMITTEE
- EXHIBIT-R2 (C)** TRUE COPY OF THE LIST OF CLONED JOURNALS (UNDATED) ISSUED BY THE UNIVERSITY GRANTS COMMISSION (UGC)
- EXHIBIT-R2 (D)** TRUE COPY OF THE RELEVANT PAGE OF THE ORIGINAL PUBLICATION.
- EXHIBIT R4 (A)** TRUE COPY OF THE B.A. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 06.07.2013.
- EXHIBIT R4 (B)** TRUE COPY OF THE M.A. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 19.06.2015.
- EXHIBIT R4 (C)** TRUE COPY OF THE B.ED. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 03.09.2016.
- EXHIBIT R4 (D)** TRUE COPY OF THE NATIONAL ELIGIBILITY TEST FOR ASSISTANT PROFESSOR AWARDED BY THE UNIVERSITY GRANTS COMMISSION DATED 01.02.2016.
- EXHIBIT R4 (E)** TRUE COPY OF THE PH.D. CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 27.02.2023.
- EXHIBIT R4 (F)** TRUE COPY OF THE RELEVANT EXTRACT OF THE U.G.C. REGULATIONS, 2018.



EXHIBIT R4 (H) TRUE COPY OF THE RANKED LIST OF CANDIDATES
SELECTED FOR THE POST OF ASSISTANT PROFESSOR
(COMMUNITY MERIT) IN ENGLISH ISSUED BY THE
ALL SAINTS' COLLEGE, THIRUVANANTHAPURAM.

EXHIBIT R4 (G) TRUE COPY OF THE APPLICATION SUBMITTED BY
THE PETITIONER PURSUANT TO EXT.P6
NOTIFICATION OBTAINED BY THE ADDL. 4TH
RESPONDENT UNDER THE RTI ACT.

APPENDIX OF WP(C) NO. 13773 OF 2023

PETITIONER' S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT INVITING APPLICATIONS FOR APPOINTMENT TO THE POST OF ASSISTANT PROFESSORS IN ENGLISH DATED 26.09.2021
- EXHIBIT P2 TRUE COPY OF THE B.A. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 06.07.2013.
- EXHIBIT P3 TRUE COPY OF THE M.A. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 19.06.2015.
- EXHIBIT P4 TRUE COPY OF THE B.ED. DEGREE CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 03.09.2016.
- EXHIBIT P5 TRUE COPY OF THE NATIONAL ELIGIBILITY TEST FOR ASSISTANT PROFESSOR AWARDED BY THE UNIVERSITY GRANTS COMMISSION DATED 01.02.2016.
- EXHIBIT P6 TRUE COPY OF THE PH.D. CERTIFICATE AWARDED BY THE UNIVERSITY OF KERALA DATED 27.02.2023.
- EXHIBIT P7 TRUE COPY OF THE COMMUNITY CERTIFICATE OF THE PETITIONER EVIDENCING THAT THE PETITIONER BELONGS TO LATIN CATHOLIC COMMUNITY.
- EXHIBIT P8 TRUE COPY OF THE RELEVANT EXTRACT OF THE U.G.C. REGULATIONS, 2018.
- EXHIBIT P9 TRUE COPY OF THE APPLICATION SUBMITTED BY THE 4TH RESPONDENT PURSUANT TO EXT.P1



NOTIFICATION OBTAINED BY THE PETITIONER UNDER THE RTI ACT.

- EXHIBIT P10 TRUE COPY OF THE RANKED LIST OF CANDIDATES SELECTED FOR THE POST OF ASSISTANT PROFESSOR (COMMUNITY MERIT) IN ENGLISH ISSUED BY THE ALL SAINTS' COLLEGE, THIRUVANANTHAPURAM.
- EXHIBIT P11 TRUE COPY OF THE APPOINTMENT ORDER DATED 01.06.2022 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT APPOINTING HER AS ASSISTANT PROFESSOR IN ENGLISH.
- EXHIBIT P12 TRUE COPY OF THE NOTICE ISSUED BY 3RD RESPONDENT TO THE 4TH RESPONDENT DATED 20.09.2022.
- EXHIBIT P13 TRUE COPY OF THE JUDGMENT DATED 19.10.2022 IN W.P. (C) NO. 30112/2022 OF THIS HON'BLE COURT.
- EXHIBIT P14 TRUE COPY OF THE MINUTES OF THE HEARING CONDUCTED ON 14.11.2022.
- EXHIBIT P15 TRUE COPY OF THE ORDER DATED 15.02.2023 IN W.P. (C) NO. 5027/2023 PASSED BY THIS HON'BLE COURT.
- EXHIBIT P16 TRUE COPY OF THE MINUTES OF THE SELECTION COMMITTEE DATED 14.11.2022.

APPENDIX OF WP(C) NO.36146 OF 2022

PETITIONERS' EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE NOTIFICATION DATED 26.9.2021 IN 'THE HINDU DAILY'.
- EXHIBIT P2 TRUE COPY OF APPENDIX II TO UO NO.AC.F II/GENERAL/UGC-R 2018/2019 DATED 9.9.2021 OF 3RD RESPONDENT-UNIVERSITY OF KERALA.
- EXHIBIT P3 TRUE COPY OF THE SCORE SHEET FOR SELECTION OF ASSISTANT PROFESSOR (ENGLISH) IN 4TH RESPONDENT-COLLEGE HELD ON 13.5.2022.
- EXHIBIT P4 TRUE COPY OF THE EXTRACT EXPLORING THE MACABRE, MALEVOLENT AND MYSTERIOUS: MULTIDISCIPLINARY PERSPECTIVES (RELEVANT PORTION).
- EXHIBIT P5 TRUE COPY OF THE ARTICLE (FEMINISM THROUGH POLITICAL AND RELIGIOUS REVOLUTION IN NGUGIWA THIONG'O'S DEVIL ON THE CROSS) PUBLISHED IN QUEST JOURNALS BY 7TH RESPONDENT.
- EXHIBIT P6 TRUE COPY OF THE GMAIL DATED 23.1.2023 ALONG WITH CONNECTED DOCUMENTS AND ARTICLE (POLITICAL AND RELIGIOUS REVOLUTION IN ELENA FERRANTE'S THE LYING LIFE OF ADULTS) PUBLISHED IN QUEST JOURNALS OF JOVANA FRODE.
- EXHIBIT P7 TRUE COPY OF ARTICLE (REPRESENTATION OF INTERSECTIONALITY IN THE FILM MARGARITA WITH A STRAW) BY 7TH RESPONDENT PUBLISHED IN QUEST JOURNALS.
- EXHIBIT P8 TRUE COPY OF THE GMAIL COMMUNICATION DATED 2.2.2023 ALONG WITH CONNECTED DOCUMENTS AND ARTICLE ((EXPLOITATION OF IGNORANCE IN GABRIELE WERTMULLER'S FILM ‘PEOPLE CAN BE DECEIVED') OF JOVANA FRODE.



- EXHIBIT P9 (A) TRUE COPY OF THE JOURNAL OF MEDICAL AND DENTAL SCIENCE RESEARCH (RELEVANT PORTION) .
- EXHIBIT P9 (B) TRUE COPY OF THE JOURNAL RESEARCH IN PHARMACEUTICAL SCIENCE (RELEVANT PORTION) .
- EXHIBIT P9 (C) TRUE COPY OF THE JOURNAL RESEARCH IN AGRICULTURE AND ANIMAL SCIENCE (RELEVANT PORTION) .
- EXHIBIT P9 (D) TRUE COPY OF THE JOURNAL RESEARCH IN HUMANITIES AND SOCIAL SCIENCE (RELEVANT PORTION) .
- EXHIBIT P9 (E) TRUE COPY OF THE JOURNAL OF RESEARCH IN BUSINESS AND MANAGEMENT (RELEVANT PORTION) .
- EXHIBIT P9 (F) TRUE COPY OF THE JOURNAL RESEARCH IN ENVIRONMENTAL AND EARTH SCIENCE (RELEVANT PORTION) .
- EXHIBIT P9 (G) TRUE COPY OF THE JOURNAL RESEARCH IN APPLIED MATHEMATICS (RELEVANT PORTION) .
- EXHIBIT P9 (H) TRUE COPY OF THE JOURNAL OF ARCHITECTURE AND CIVIL ENGINEERING (RELEVANT PORTION) .
- EXHIBIT P9 (I) TRUE COPY OF THE JOURNAL RESEARCH IN MECHANICAL ENGINEERING (RELEVANT PORTION) .
- EXHIBIT P9 (J) TRUE COPY OF THE JOURNAL OF ELECTRONICS AND COMMUNICATION ENGINEERING RESEARCH (RELEVANT PORTION) .
- EXHIBIT P9 (K) TRUE COPY OF THE JOURNAL OF SOFTWARE ENGINEERING AND SIMULATION (RELEVANT PORTION) .
- EXHIBIT P10 TRUE COPY OF THE EXTRACT OF UGC CONSORTIUM FOR ACADEMIC AND RESEARCH ETHICS REPORT (RELEVANT PORTION) .
- EXHIBIT P11 TRUE COPY OF APPOINTMENT ORDER NO.ENG 89/ENGLISH/APPT/2022 DATED 1.6.2022 ISSUED BY 4TH RESPONDENT IN FAVOUR OF 6TH RESPONDENT .



EXHIBIT P12 TRUE COPY OF APPOINTMENT ORDER NO.ENG 39/ENGLISH/APPT/2022 DATED 1.6.2022 ISSUED BY 4TH RESPONDENT IN FAVOUR OF 7TH RESPONDENT.

EXHIBIT P13 TRUE COPY OF APPOINTMENT ORDER NO.ENG 104/ENGLISH/APPT/2022 DATED 1.6.2022 ISSUED BY 4TH RESPONDENT IN FAVOUR OF 8TH RESPONDENT.

RESPONDENTS' EXHIBITS:

EXHIBIT R6 (A) TRUE COPY OF THE 6TH RESPONDENT'S CHAPTER 'UNCANNY' SIGNIFIERS IN HEAVY RAIN' IN THE BOOK 'EXPLORING THE MACABRE, MALEVOLENT, AND MYSTERIOUS: MULTIDISCIPLINARY PERSPECTIVES', WHICH WAS PUBLISHED BY CAMBRIDGE SCHOLARS PUBLISHING IN 2020.

EXHIBIT R6 (B) TRUE COPY OF THE PREFACE OF THE 6TH RESPONDENT'S CHAPTER 'UNCANNY' SIGNIFIERS IN HEAVY RAIN' IN THE BOOK 'EXPLORING THE MACABRE, MALEVOLENT, AND MYSTERIOUS: MULTIDISCIPLINARY PERSPECTIVES'

EXHIBIT R6 (C) TRUE COPY OF THE CERTIFICATE ISSUED BY PROF.PRAKASH KONA, DEPARTMENT OF ENGLISH LITERATURE, SCHOOL OF LITERARY STUDIES, THE ENGLISH AND FOREIGN LANGUAGES UNIVERSITY DATED 28.08.2022

EXHIBIT R6 (D) TRUE COPY OF THE LETTER ISSUED BY MATHEW HODGE OF WILLIAM PEACE UNIVERSITY NC DATED NIL.

EXHIBIT R4 (A) TRUE COPY OF THE SHOW CAUSE NOTICE DATED 18.08.2022 ISSUED BY THE 4TH RESPONDENT TO THE 8TH RESPONDENT.

EXHIBIT R4 (B) TRUE COPY OF THE JUDGEMENT DATED 19.10.2022 IN W.P. (C) NO.30112/2022 OF THIS HON'BLE COURT.

EXHIBIT R4 (C) TRUE COPY OF THE LETTER ISSUED BY THE PROFESSOR IN ENGLISH, IFLU, HYDERABAD DATED 23.08.2022

EXHIBIT-R4 (D) TRUE COPY OF THE LETTER NO.GL/ESTT/TS/245/2022 DATED 17.11.2022 SUBMITTED BY PRINCIPAL, ALL



**SAINTS COLLEGE, THIRUVANANTHAPURAM BEFORE THE 3RD
RESPONDENT**

EXHIBIT-R4 (E)

**TRUE COPY OF THE ACKNOWLEDGEMENT DATED 18.11.2022
BY ALL SAINTS COLLEGE, THIRUVANANTHAPURAM**