

Dr. N. Prasanatha Kumar Vs Sree Sankaracharya University, The Vice Chancellor and Chairman and Dr. S. Sivadasan, Professor of History

Court: High Court Of Kerala

Date of Decision: April 7, 2010

Hon'ble Judges: S. Siri Jagan, J

Bench: Single Bench

Advocate: A.G. Basil, for the Appellant; P.K. Vijayamohanan, SC, for the Respondent

Judgement

S. Siri Jagan, J.

The petitioner is aggrieved by the inaction on the part of the 1st respondent University in completing the process of selection for appointment to the post of Registrar of University which is lying vacant. He is also aggrieved by the fact that a person who has already

completed the age of 55 years has been put in charge of the post of the Registrar, although the age of retirement of Registrar is 55 years.

2. As far as the 1st grievance of the petitioner is concerned the standing counsel for the University submits that the University would require 8

months time to complete the process for selecting and appointing a qualified person to the post of Registrar of the University. As far as the 2nd

contention is concerned, they would contend that although the 3rd respondent is past 55 years of age, he is a regular employee of the University,

who is statutorily entitled to continue in service till he attains the age of 60 years. He has only been put in charge of the Registrar of the University

and he has not been appointed as a Registrar of the University which is perfectly in order.

3. I have considered the rival contentions in detail. Simply because of the 3rd respondent has passed the age of 55 years he is not ineligible to be

put in charge of the post of Registrar. Admittedly he is entitled to continue in service till he attained the age of 60 years. Simply because the

retirement age of the post of Registrar of the University is 55 years it cannot be said that a regular employee of the University who is past 55 years

of age, cannot be put in charge of the Registrar of the University. Therefore I do not find any merit in that contention.

4. Regarding the next contention is concerned the petitioner is also satisfied with a direction to complete the selection process for the post of

Registrar within 8 months. Accordingly this writ petition is disposed of with a direction to respondents 1 & 2 to complete the process for selection

and appointment of a qualified person as Registrar of the 1st respondent University as expeditiously as possible at any rate within 8 months from

today.