



GOVERNMENT OF KERALA

Abstract

AYUSH Department – Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram- Regularisation of appointments of teaching staff - Implementation of G.O.(Rt)No. 473/2016/AYUSH dated 24.09.2016 - Orders issued.

AYUSH (B) DEPARTMENT

G.O.(Ms)No.33/2026/AYUSH Dated, Thiruvananthapuram, 30-07-2026

- Read 1) G.O.(Ms) No.184/2003/H&FWD dated 03.09.2003.
- 2) G.O.(Ms) No. 203/2006/H&FWD dated 22.09.2006.
 - 3) G.O.(Ms) No. 346/2008/H&FWD dated 09/07/2008.
 - 4) G.O.(Ms)No. 376/2009/H&FWD dated 30/10/2009.
 - 5) Judgment dated 13/03/2015 of the Hon'ble High Court of Kerala in WP(C) No. 18669/2006 and connected cases.
 - 6) Order dated 16.08.2016 of the Hon'ble Supreme Court of India in SLP Nos. 14950-14951/2016.
 - 7) G.O. (Rt) No. 473/2016/AYUSH dated 24.09.2016.
 - 8) Order No. 6772/AC1/Gen/A3/15/KUHS dated 04.08.2018 of the Kerala University of Health Sciences.
 - 9) D.O letter No.1336040/HLT-B1/110/2019-Fin dated 17/03/2020 of the Secretary, Finance Department.
 - 10) Common Judgment dated 14.03.2025 of the Hon'ble High Court of Kerala in WP(C) No. 35237/2009 and connected cases.
 - 11) Judgment dated 07.10.2025 of the Hon'ble High Court of Kerala in WP(C) No. 2903/2023.
 - 12) Order dated 03.02.2026 of the Hon'ble Supreme Court of India in SLP(C) Nos. 27213/2019 and 10603/2020.
 - 13) Common Judgment dated 08.04.2026 of the Hon'ble High

Court of Kerala in W.A. No. 2442/2025 and connected cases.

14) Letter No.1968/B2/2025/GHMCT dated 30/07/2026 of Principal & Controlling Officer.

ORDER

Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram, which was established in private sector, was brought under the Direct Payment System (DPS) with effect from 01.09.2002 pursuant to the agreement executed between Government and the management on 21/06/2003 as per the Government order read as 1st paper above. Subsequently, staff pattern consisting of 31 Teaching staff and 25 non-teaching staff for the college was approved by Government as per the Government order read as 2nd paper above. Later, as per the Government order read 3rd and 4th papers above, 32 teaching staff were regularised in sanctioned staff pattern.

2. A meeting was convened by the then Hon'ble Chief Minister on 31.08.2011 with the representatives of the staff and the management of Sree Vidyadhiraja Homoeopathic Medical College to discuss and sort out various issues in connection with the college. In the meeting it was decided to allow teaching posts in the college in tune with the regulations of the Central Council of Homoeopathy. As per the regulations 2002 of Central Council of Homoeopathy, minimum teaching staff for degree course was 43. The Hon'ble High Court in the judgment read as 5th paper above, issued the following directions

- i. The Manager shall send the proposal to work out decision within a period of one month through the Principal and Controlling Officer.
- ii. On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the approval of the staff pattern
- iii. The staff pattern shall be implemented with effect from 01.9.2002 the date on which the direct payment system was introduced
- iv. Government shall take the action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer.
- v. The interim order passed in respect of the payment of salary to various writ petitioners will continue till Government takes a decision.
- vi. Based on the approval of staff fixation the University shall take decision to approve the appointment of the petitioners within three

months.

- vii. The entire arrears and monitory benefits shall be released without any delay.
- viii. The impugned orders are set aside.

3. Government challenged the aforesaid judgment before the Hon'ble High Court in W.A No.2498/2015 and connected appeals. However, the Writ Appeals were dismissed on 01/03/2016. Thereafter, the Government filed SLP Nos.14950-14951/2016 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India dismissed the Special Leave Petitions as per judgment read as 6th paper above.

4. In the meantime, several Contempt of Court cases were filed against the Secretary, AYUSH Department for non compliance of the Judgment read as 5th paper above. In order to comply with the directions of the Hon'ble Court, Government order read as 7th paper was issued approving the teaching staff pattern and four posts of Medical Officers in the college in accordance with the Regulations of the Central Council of Homoeopathy. It was also stipulated in the Government Order related to consequential monetary benefits will be examined in consultation with the Finance Department and the Law Department.

5. Consequent to the issuance of the Government order read as 7th paper above, the Kerala University of Health Sciences (KUHS) issued orders read as per 8th paper above approving the appointments / promotions of teaching staff proposed by the management of the college. Later, SLP(C) Nos. 27213/2019 and 10603/2020 were filed in this regard by Government before the Hon'ble Supreme Court of India challenging the orders issued to disburse the arrear amount consequent to issuance of Government order read as 7th paper above.

6. Several Writ Petitions were subsequently filed by the Teaching Staff of Sree Vidyadhiraja Homoeopathic Medical College seeking implementation of the Government order read as 7th paper above and the consequential order of the Kerala University of Health Sciences read as 8th paper above. The Hon'ble High Court by common judgment read as 10th paper above in W.P(C) No.35237/2009, W.P(C) No.35745/2018, W.P(C) No.11018/2019, W.P(C) No.26976/2019, W.P(C) No.40417/2022, W.P(C) No.30913/2019, W.P(C) No.30892/2019, W.P(C) No.25113/2019, W.P(C) No.25138/2019, W.P(C) No.31613/2019 and W.P(C) No.31589/2019 allowed all the Writ Petitions and directed implementation of the

Government order read as 7th paper above and consequential University approval order read as 8th paper above. The Hon'ble High Court also dismissed WP(C) No.35561/2018. While rendering the above judgment, the Hon'ble High Court, interalia, observed that the Kerala University of Health Sciences is the competent authority to determine the qualifications of the teachers concerned and that the University had already approved their appointments / promotions without raising any dispute regarding qualifications.

7. Subsequently, as per the judgment read as 11th paper above in WP(C)No.2903/2023 filed by Dr.Rekha Rajagopalan and others of Sree Vidyadhiraja Homoeopathic Medical College, the Hon'ble High Court took note of the fact that a batch of Writ Petitions filed by similarly situated teachers of the institution had already been allowed by the common judgment read as 10th paper above. The Hon'ble Court observed that all the contentions raised by the respondents had been comprehensively considered and answered in the said judgment. Accordingly, following the principles laid down in the judgment read as 10th paper above, the Writ Petition was disposed of directing respondents 1 to 3 to sanction, draw and disburse the salary and arrears of salary due to the petitioner in the approved post, in view of the approval granted to her appointment.

8. Aggrieved by the common judgments read as 10th and 11th paper above, Government preferred Writ Appeals before the Hon'ble Division Bench. However, by the common judgment read as 13th paper above in W.A Nos. 2442/2025, 2543/2025, 2644/2025, 2564/2025, 2602/2025, 2591/2025, 2568/2025, 2631/2025, 2609/2025 and 2601/2025 including W.A No.484/2024 arising from W.P(C)No.2903/2023, the Hon'ble Division Bench dismissed all the appeals holding that once the judgment dated 13/03/2015 had attained finality, the Government was duty bound to implement the same and that there were no illegality or impropriety in the judgment of the learned Single Judge.

9. In the meantime, the Hon'ble Supreme Court of India as per order read as 12th paper above, disposed of the SLP(C) Nos. 27213/2019 and 10603/2020 as infructuous.

10. Following the dismissal of the Writ Appeals as per the judgment read as 13th paper above, Contempt of Court Cases including CoC No. 1302/2026 in WP(C) No.35745/2018 filed by Dr.Krishnakumar.M, CoC Case No. 1347/2026 in W.P(C)No.30913/2019 filed by Dr.L Mini Devi, CoC Case No.1357/2026 in WP(C)No.25138/2019 filed by Dr.Sailendra

Kumar.G.N, CoC Case No.1262/2026 in W.P(C)No.26976/2019 filed by Dr.Shalini G Unnithan and CoC Case No.287/2026 in W.P(C)No.2903/2023 filed by Dr. Rekha Rajagopalan & 5 others were filed before the Hon'ble Court seeking implementation of the judgments and Government Orders.

11. In view of the finality attained by the judgments of the Hon'ble High Court, dismissal of the connected Writ Appeals, disposal of the connected Special Leave Petitions, and the pendency of Contempt of Court proceedings, implementation of G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 and sanction of consequential financial benefits have become unavoidable.

12. In view of the above, Government have examined the matter in detail and are pleased to order as follows.

- i. The appointments and promotions of 51 teaching staff of Sree Vidyadhiraja Homoeopathic Medical College given in the **Annexure** are regularised based on the approval granted to them by the Kerala University of Health Sciences as per order read as 8th paper above, by implementing the Government order read as 7th paper above, in relaxation of the existing procedures.
- ii. In compliance with the judgments of the Hon'ble High Court, permission is granted to the Principal & Controlling Officer to disburse the salary arrears, salary, promotion benefits and other consequential service benefits legally entitled to the approved teaching staff of Sree Vidyadhiraja Homoeopathic Medical College, after regularizing the appointments, **in 18 installments**.
- iii. After implementation of the Government order read as 7th paper above, the Principal and Controlling Officer shall submit a separate proposal for modifying the staff pattern of Sree Vidhyadhiraja Homoeopathic Medical College as per the latest regulations of the National Commission for Homoeopathy.

13. Orders of the Hon'ble High Court of Kerala read as 5th, 10th & 11th paper above are thus complied with.

(By order of the Governor)
DR SHARMILA MARY JOSEPH
PRINCIPAL SECRETARY

To:

1. The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.
2. The Manager, Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram (through the Principal & Controlling Officer)
3. The Registrar, Kerala University of Health Sciences, Thrissur.
4. The Principal, Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram (through the Principal & Controlling Officer)
5. The Advocate General, Kerala (with Covering letter)
6. The Accountant General (A&E/Audit), Kerala, Thiruvananthapuram.
7. The General Administration (SC) Department (vide item No.84 dated 29/07/2026)
8. The Finance Department (vide No. 3481307/HLT-B1/57/2026-FIN dated 08/06/2026).
9. Public Relations (Web & New Media) Department.
10. Stock File / Office Copy.

Copy to

1. Private Secretary to Chief Minister
2. Private Secretary to Minister (Health & Devaswoms)
3. PA to Chief Secretary
4. PA to Additional Chief Secretary (Finance)
5. PA to Principal Secretary (AYUSH)

Forwarded /By order

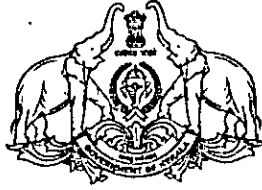
Digitally signed by
Pradeep V R
Date: 30-07-2026
21:19:02

Section Officer

ANNEXURE

Sl. No.	Name	Date of Effect	Post	Scale of pay
1.	DR. P. REMADEVI	01-9-2002	TUTOR	7800 - 12975
2.	DR. RAZANATHU F	01-9-2002	TUTOR	7800 - 12975
3.	DR. D. LAKSHMI	29-10-2003	LECTURER	10000 -15150
4.	DR. M. S. SREELATHA	03-11-2003	LECTURER	10000 -15150
5.	DR. K RAJEEV	01-9-2002	TUTOR	7800 - 12975
6.	DR. L. THARA	01-9-2002	TUTOR	7800 - 12975
7.	DR. L. MINIDEVI	07-04-2004	LECTURER	10000 -15150
8.	DR. K. R. RENJIT	12-07-2005	LECTURER	16650 - 23200
9.	DR. SOUMYA NAIR	22-01-2007	LECTURER	16650 - 23200
10.	DR. SHAJITHA BEEGUM A	01-7-2009	LECTURER	36140 -49740
11.	DR. ZACHARIYA GERORGE	01-9-2002	TUTOR	7800 - 12975
12.	DR. C. V. SUJITH	09-05-2007	LECTURER	16650 - 23200
13.	DR. M. KALESH KUMAR	01-9-2002	TUTOR	7800 - 12975
14.	DR. G. SREEGOPAL	01-9-2002	TUTOR	7800 - 12975
15.	DR. P. THARA	26-3-2006	LECTURER	16650 - 23200
16.	DR. G.N. SAILENDRAKUMAR	01-9-2002	TUTOR	7800 - 12975
17.	DR. LEENA GIREESH	02-12-2002	LECTURER	10000 -15150
18.	DR. S.K. VEENA	26-3-2006	LECTURER	16650 - 23200
19.	DR. G. SOMASEKHARAN PILLAI	01-9-2002	TUTOR	7800 - 12975
20.	DR. B. JAYAPRAKASINI	01-9-2002	TUTOR	7800 - 12975
21.	DR. G. USHA	01-9-2002	TUTOR	7800 - 12975
22.	DR. REKHA CHANDRAN	05-8-2004	LECTURER	16650 - 23200
23.	DR. K. N. USHA	03-12-2005	LECTURER	16650 - 23200
24.	DR. S. SEENA	26-3-2006	LECTURER	16650 - 23200
25.	DR. M. SMITHA	29-7-2006	LECTURER	16650 - 23200
26.	DR. C. J. NAYANA	01-5-2008	LECTURER	16650 - 23200
27.	DR. SALINI G. UNNITHAN	27-3-2005	LECTURER	16650 - 23200
28.	DR. G. MADHU	01-4-2012	LECTURER	36140 -49740
29.	DR. A. MAHESWARANPILLAI	01-9-2002	TUTOR	7800 - 12975
30.	DR. REKHA RAJAGOPALAN	23-3-2004	LECTURER	10000 -15150

31.	DR. LEEBA MARY JOSHUA	26-3-2006	LECTURER	16650 - 23200
32.	DR. B. R. BINDU	26-3-2006	LECTURER	16650 - 23200
33.	DR. K . REKHA	09-5-2007	LECTURER	16650 - 23200
34.	DR. BIJURAJ	20-9-2003	LECTURER	10000 -15150
35.	DR. M. KRISHNAKUMAR	18-8-2005	LECTURER	16650 - 23200
36.	DR. REKHA GOPINATHAN R.	26-3-2006	LECTURER	16650 - 23200
37.	DR. G. RADHAKRISHNAN	01-9-2002	TUTOR	7800 - 12975
38.	DR. S. VELAPPANPILLAI	01-9-2002	TUTOR	7800 - 12975
39.	DR. R. SANTHOSHKUMAR	17-11-2003	LECTURER	10000 -15150
40.	DR. S. DEEPTHI	20-12-2003	LECTURER	10000 -15150
41.	DR. A. S. SMITHA	01-2-2008	LECTURER	16650 - 23200
42.	DR. D. REGHU	11-12-2002	LECTURER	10000 -15150
43.	DR. C. BINDHU LEKSHMI	09-10-2003	LECTURER	10000 -15150
44.	DR. SHINY MATHEW	02-4-2004	LECTURER	10000 -15150
45.	DR. DARSANA BALAKRISHNAN	09-1-2004	LECTURER	10000 -15150
46.	DR. R. SINDHU	29-7-2006	LECTURER	16650 - 23200
47.	DR. S. SAREESH	05-8-2006	LECTURER	16650 - 23200
48.	DR. SHYLAJA K. NAIR	01-9-2002	TUTOR	7800 - 12975
49.	DR. SUSEELA KUMARI	01-9-2002	TUTOR	7800 - 12975
50.	DR. L. LETHA (changed to AICTE Scheme w.e.f. 16-10-2004)	13-11-2003	LECTURER	10000 -15150
51.	DR. SURESHKUMAR P V (already paid)	18-8-2004	LECTURER	16650 - 23200



രഹസ്യം

കേരള സർക്കാർ
മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 29-07-2026

ഫയൽ നം. AYUSH-B2/237/2025/AYUSH.

ഇനം നം : 84

വിഷയം : ആയുഷ് വകുപ്പ് - 24.09.2016-ലെ ജി.ഒ.(ആർ.ടി.) നമ്പർ 473/2016/AYUSH ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാല പുറപ്പെടുവിച്ച 04.08.2018-ലെ Order No. 6772/AC1/Gen/A3/15/KUHS ഉത്തരവ് പ്രകാരം അംഗീകാരം ലഭിച്ച നേമം ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ 51 അദ്ധ്യാപക ജീവനക്കാരുടെ നിയമനങ്ങളും പ്രമോഷനുകളും നിലവിലുള്ള നടപടിക്രമങ്ങളിൽ ഇളവ് വരുത്തി ക്രമീകരിക്കുന്നത് - സംബന്ധിച്ച്.

തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശങ്ങൾ അംഗീകരിച്ചു.

(ഒപ്പ്)

വി. ഡി. സതീശൻ

മുഖ്യമന്ത്രി

(ശരിപ്പകർപ്പ്)

ബിശ്വനാഥ് സിൻഹ

ചീഫ് സെക്രട്ടറി

പ്രിൻസിപ്പൽ സെക്രട്ടറി, ആയുഷ് വകുപ്പ്.

30/7/26

JS (Ayush)

കേരള സർക്കാർ
(ശ്രീ. വി.ഡി.സതീശൻ മന്ത്രിസഭ)
മന്ത്രിസഭായോഗത്തിനുള്ള കറിപ്പ

84

1.	ഫയൽ നമ്പർ	:	AYUSH-B2/237/2025-AYUSH
	വകുപ്പ്	:	ആയുഷ് (ബി) വകുപ്പ്
3.	വിഷയം	:	24.09.2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ, കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാല പുറപ്പെടുവിച്ച 04.08.2018-ലെ Order No. 6772/AC1/Gen/A3/15/KUHS ഉത്തരവ് പ്രകാരം അംഗീകാരം ലഭിച്ച നേമം ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ 51 അധ്യാപക ജീവനക്കാരുടെ നിയമനങ്ങളും പ്രമോഷനുകളും നിലവിലുള്ള നടപടിക്രമങ്ങളിൽ ഇളവ് വരുത്തി ക്രമീകരിക്കുന്നത് സംബന്ധിച്ച്.
4.	മന്ത്രിസഭാ യോഗത്തിൽ സമർപ്പിക്കാനുള്ള മുഖ്യമന്ത്രിയുടെ ഉത്തരവ് തീയതി	:	15.06.2026
5.	(i) ഇത് സാമ്പത്തിക ബാധ്യത ഉള്ളതാണോ?	:	അതെ.
	(ii) സാമ്പത്തിക ബാധ്യത ഉള്ളതാണെങ്കിൽ ധനകാര്യ വകുപ്പുമായി ആലോചിച്ചിട്ടുണ്ടോ? ഉണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം മന്ത്രിസഭാ യോഗത്തിനുള്ള കറിപ്പിൽ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോ?	:	ഉണ്ട്. ഉണ്ട്.
6.	മറ്റേതെങ്കിലും വകുപ്പുമായി ആലോചിച്ചിട്ടുണ്ടോ? ഉണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം മന്ത്രിസഭാ യോഗത്തിനുള്ള കറിപ്പിൽ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോ?	:	ഇല്ല
7.	കറിപ്പ് സമർപ്പിച്ച ജോയിന്റ് സെക്രട്ടറിയുടെ പേര്	:	ശ്രീ. വിജയ് രാജ്. ജെ
8.	കറിപ്പ് അംഗീകരിച്ച അഡീഷണൽ ചീഫ് സെക്രട്ടറിയുടെ പേര്	:	ഡോ. രാജൻ നാംദേവ് ബൊബ്രഗഡെ
9.	മന്ത്രിസഭയ്ക്കുള്ള കരട് കറിപ്പ് അഡീഷണൽ ചീഫ് സെക്രട്ടറി അംഗീകരിച്ച തീയതി	:	23.06.2026
10.	കറിപ്പ് അംഗീകരിച്ച ചീഫ് സെക്രട്ടറിയുടെ പേര്	:	ഡോ. എ.ജയതിലക്
11.	മന്ത്രിസഭയ്ക്കുള്ള കരട് കറിപ്പ് ചീഫ് സെക്രട്ടറി അംഗീകരിച്ച തീയതി	:	23.06.2026
12.	കറിപ്പ് അംഗീകരിച്ച മന്ത്രിയുടെ പേര്	:	ശ്രീ.കെ.മുരളീധരൻ
13.	മന്ത്രിസഭയ്ക്കുള്ള കരട് കറിപ്പ് മന്ത്രി അംഗീകരിച്ച തീയതി	:	17.07.2026
14.	കറിപ്പിന്റെ പകർപ്പുകൾ സമർപ്പിച്ച തീയതി	:	20.07.2026
15.	മന്ത്രിസഭായോഗം തീരുമാനമെടുത്ത തീയതി	:	
16.	തീരുമാനം പുറപ്പെടുവിച്ച സർക്കാർ ഉത്തരവ്/ കത്തിന്റെ നമ്പറും തീയതിയും	:	

മന്ത്രിസഭാ യോഗത്തിനായുള്ള കുറിപ്പ്

തിരുവനന്തപുരം നേമം ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ അധ്യാപക തസ്തിക അംഗീകരിച്ചുകൊണ്ടുള്ള 24.09.2016-ലെ ജി.ഒ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവ് നടപ്പിലാക്കുന്നതുമായും; കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാല (KVHS) നിയമന/ഉദ്യോഗക്കയറ്റ അംഗീകാരം നൽകിയിട്ടുള്ള അധ്യാപകർക്ക് തത്തുല്യമായ ശമ്പളം, കുടിശ്ശിക, സേവന ആനുകൂല്യങ്ങൾ എന്നിവ അനുവദിക്കുന്നതുമായും ബന്ധപ്പെട്ടതാണ് ഈ കുറിപ്പ്. ബഹു. ഹൈക്കോടതി മുമ്പാകെ പ്രസ്തുത സ്ഥാപനത്തിലെ ജീവനക്കാർ സമർപ്പിച്ചിട്ടുള്ള WP(C) No.18669/2006, മറ്റു അനുബന്ധ കേസുകൾ എന്നിവയിലെ ബഹു. കോടതിയുടെ 13/03/2015 -ലെ ഉത്തരവ്, WP(C) No.35237/2009, മറ്റു അനുബന്ധ കേസുകൾ എന്നിവയിലെ 17/10/2025 -ലെ ഉത്തരവ് എന്നിവ പ്രകാരം പ്രസ്തുത സ്ഥാപനത്തിലെ ജീവനക്കാരുടെ നിയമനം ക്രമീകരിച്ച് അർഹതപ്പെട്ട ആനുകൂല്യം നൽകുന്നതിന് ബഹു. കോടതി ഉത്തരവായിട്ടുണ്ട്.

2) 1965-ലാണ് ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജ് സ്വകാര്യ മേഖലയിൽ സ്ഥാപിതമായത്. സർക്കാരും മാനേജ്മെന്റും തമ്മിൽ 21/06/2003-ൽ ഒപ്പുവെച്ച കരാറിനെ തുടർന്ന്, 03/09/2003 ലെ ജി.ഒ.(എം.എസ്) നമ്പർ 184/2003/H&FWD (അനുബന്ധം 1) പ്രകാരം 01/09/2002 മുതൽ ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിൽ ഡയറക്ട് പേയ്മെന്റ് സിസ്റ്റം നടപ്പിലാക്കി. തുടർന്ന് 22/09/2006 ലെ ജി.ഒ.(എം.എസ്) നമ്പർ 203/2006/H&FWD (അനുബന്ധം 2) പ്രകാരം 31 അധ്യാപകരും 25 അനധ്യാപക ജീവനക്കാരും അടങ്ങുന്ന ഒരു സ്റ്റാഫ് പാറ്റേൺ സർക്കാർ അംഗീകരിച്ചു. പിന്നീട് 09.07.2008 ലെ ജി.ഒ. (എം.എസ്) നമ്പർ 346/2008/H&FWD (അനുബന്ധം 3), 30.10.2009 ലെ ജി.ഒ.(എം.എസ്) നമ്പർ 376/2009/H&FWD (അനുബന്ധം 4) എന്നിവ പ്രകാരം 32 അധ്യാപക ജീവനക്കാരെ അനുവദിക്കപ്പെട്ട സ്റ്റാഫ് പാറ്റേണിൽ സ്ഥിരപ്പെടുത്തി.

3) ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജുമായി ബന്ധപ്പെട്ട വിവിധ പ്രശ്നങ്ങൾ ചർച്ച ചെയ്യുന്നതിനും പരിഹരിക്കുന്നതിനുമായി ബഹു. മുഖ്യമന്ത്രി 31/08/2011-ൽ ജീവനക്കാരുടെയും മാനേജ്മെന്റിന്റെയും പ്രതിനിധികളുമായി ഒരു യോഗം വിളിച്ചുചേർത്തു. സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതിയുടെ ചട്ടങ്ങൾക്ക് അനുസൃതമായി കോളേജിൽ അധ്യാപക തസ്തികകൾ അനുവദിക്കാൻ പ്രസ്തുത യോഗത്തിൽ തീരുമാനിച്ചു. യോഗത്തിന്റെ മിനിറ്റ്സ് അനുബന്ധം 5 ആയി ചേർക്കുന്നു. സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതിയുടെ 2002-ലെ ചട്ടപ്രകാരം ഡിഗ്രി കോഴ്സിന് വേണ്ട കുറഞ്ഞ

● രാധാപകരുടെ എണ്ണം 43 ആയിരുന്നു (2002-ലെ ചട്ടങ്ങളുടെ പ്രസക്തമായ പേജിന്റെ പകർപ്പ് അനുബന്ധം 5A ആയി ചേർക്കുന്നു).

● 4) തുടർന്ന്, ബഹു. ഹൈക്കോടതി, WP(C) No.18669/2006-ലെയും അനുബന്ധ കേസുകളിലെയും 13/03/2015-ലെ വിധിന്യായത്തിൽ (അനുബന്ധം 6) താഴെ പറയുന്ന നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചു.

- The Manager shall sent the proposal to workout decision within a period of one month through the Principal and Controlling Officer.
- On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the approval of the staff pattern
- The staff pattern shall be implemented with effect from 1.9.2002 the date on which the direct payment system was introduced
- Government shall take the action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer,
- The interim order passed in respect of the payment of salary to various writ petitioners will continue till Government takes a decision,
- Based of the approval of staff fixation the University shall take decision to approve the appointment of the petitioners within three months.
- The entire arrears and monitory benefits shall be released without any delay
- The impugned orders are set aside.

● 5) സർക്കാർ ഈ വിധിയെ ബഹു. ഹൈക്കോടതിയിൽ W.A. No.2498/2015-ലൂടെയും അനുബന്ധ അപ്പീലുകളിലൂടെയും ചോദ്യം ചെയ്തുകിലും പ്രസ്തുത റിട്ട് അപ്പീലുകൾ 01.03.2016-ലെ ഉത്തരവ് പ്രകാരം തള്ളുകയുണ്ടായി (അനുബന്ധം 7). അതിനുശേഷം, സർക്കാർ ബഹു. സുപ്രീം കോടതി മുൻപാകെ SLP Nos.14950-14951/2016 ഫയൽ ചെയ്തു. ബഹു. സുപ്രീം കോടതി 16.08.2016-ൽ സ്പെഷ്യൽ ലീവ് പെറ്റീഷനുകൾ തള്ളി (അനുബന്ധം 8). തന്മൂലം, 13.03.2015-ലെ വിധിന്യായം (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 6) അന്തിമമായി.

6) ഇതിനിടയിൽ, വിധിന്യായം നടപ്പിലാക്കാത്തതുമായി ബന്ധപ്പെട്ട് ആയുഷ് വകുപ്പ് സെക്രട്ടറിക്ക് എതിരെ നിരവധി കോടതി അലക്ഷ്യ കേസുകൾ ഫയൽ ചെയ്യപ്പെട്ടു. ജുഡീഷ്യൽ നിർദ്ദേശങ്ങൾ പാലിക്കുന്നതിനും പ്രതികൂലമായ നടപടികൾ ഒഴിവാക്കുന്നതിനുമായി, സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതിയുടെ ചട്ടങ്ങൾക്ക് അനുസൃതമായി അധ്യാപക സ്റ്റാഫ്

പോലീസ് നാല് മെഡിക്കൽ ഓഫീസർ തസ്തികകളും അംഗീകരിച്ചുകൊണ്ട് സർക്കാർ 24.09.2016 തീയതിയിൽ ജി.ഒ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH (അനുബന്ധം 9) പുറപ്പെടുവിച്ചു. അനന്തരഫലമായുണ്ടാകുന്ന സാമ്പത്തിക ആനുകൂല്യങ്ങളുമായി ബന്ധപ്പെട്ട കാര്യങ്ങൾ ധനകാര്യ വകുപ്പുമായും നിയമ വകുപ്പുമായും ആലോചിച്ച് പരിശോധിക്കുമെന്നും പ്രസ്തുത സർക്കാർ ഉത്തരവിൽ വ്യവസ്ഥ ചെയ്തിരുന്നു.

7) 24.09.2016-ലെ ജി.ഒ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 9) ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ, കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാല കോളേജ് മാനേജ്മെന്റ് നിർദ്ദേശിച്ച അധ്യാപക ജീവനക്കാരുടെ നിയമനങ്ങളും പ്രമോഷനുകളും അംഗീകരിച്ചുകൊണ്ട് Order No.6772/AC1/Gen/A3/15/KUHS തീയതി 04.08.2018 പ്രകാരം (അനുബന്ധം 10) ഉത്തരവ് പുറപ്പെടുവിച്ചു.

8) തുടർന്ന്, ധനകാര്യ വകുപ്പ് അവരുടെ 17/03/2020 ലെ D.O. Letter No.1336040/HLT-31/10/2019-Fin (അനുബന്ധം 11) പ്രകാരം, പ്രസ്തുത ജി.ഒ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH പുറപ്പെടുവിച്ചതുമായി ബന്ധപ്പെട്ട് തടസ്സവാദങ്ങൾ ഉന്നയിച്ചു. പ്രസ്തുത ഉത്തരവ് വലിയ സാമ്പത്തിക ബാധ്യത ഉൾക്കൊള്ളുന്നതാണെന്നും റൂൾസ് ഓഫ് ബിസിനസ്സിൽ (Rules of Business) വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതുപോലെ ധനകാര്യ വകുപ്പിന്റെ മുൻകൂർ അനുമതിയോ മന്ത്രിസഭയുടെ അംഗീകാരമോ ഇല്ലാതെയാണ് ഇത് പുറപ്പെടുവിച്ചതെന്നുമുള്ള കാരണത്താലായിരുന്നു ഇത്. അതിനാൽ പ്രസ്തുത സർക്കാർ ഉത്തരവും അതിന്റെ തുടർച്ചയായ സർവ്വകലാശാലാ അംഗീകാര ഉത്തരവും (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 10) റദ്ദാക്കാൻ ധനവകുപ്പ് നിർദ്ദേശിച്ചു. ജി.ഒ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH തീയതി 24/09/2016-ന്റെ അനന്തരഫലമായുള്ള കടിശ്ശിക തുക വിതരണം ചെയ്യാൻ പുറപ്പെടുവിച്ച ഉത്തരവുകളെ ചോദ്യം ചെയ്തുകൊണ്ട് ധനകാര്യ വകുപ്പ് ബഹു. സുപ്രീം കോടതിയിൽ SLP(C) Nos.27213/2019, 10603/2020 എന്നിവ ഫയൽ ചെയ്തു.

9) ഈ വിഷയം ഭരണ വകുപ്പ്, നിയമ വകുപ്പ്, ബഹുമാനപ്പെട്ട അഡ്വക്കേറ്റ് ജനറൽ എന്നിവർ പരിശോധിച്ചു. 24/09/2016-ലെ ജി.ഒ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH പുറപ്പെടുവിച്ചത് ബഹു. ഹൈക്കോടതിയുടെ അന്തിമ വിധിന്യായം നടപ്പാക്കാൻ ആയതിനാൽ ബഹു. ഹൈക്കോടതിയുടെ അനുമതിയില്ലാതെ ആയത് റദ്ദാക്കാൻ കഴിയില്ലെന്ന് ബഹു. അഡ്വക്കേറ്റ് ജനറൽ 16/06/2021-ലെ നിയമോപദേശത്തിൽ (അനുബന്ധം 12) അഭിപ്രായപ്പെട്ടു. SLP No. 27213/2019 ലും 10603/2020 ലും തീരുമാനം ഉണ്ടാകുന്നത് വരെ 24.09.2016-ലെ ജി.ഒ. (ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവിന് സാധൂകരണം നൽകുന്ന വിഷയം മന്ത്രിസഭയുടെ പരിഗണനയ്ക്ക് സമർപ്പിക്കുന്നത് മാറ്റിവെക്കാവുന്നതാണെന്ന് ബഹു. അഡ്വക്കേറ്റ് ജനറൽ 02/12/2022-ലെ നിയമോപദേശത്തിൽ (അനുബന്ധം 13) വീണ്ടും അഭിപ്രായപ്പെട്ടു.

10) 24/09/2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവും അതിന്റെ തുടർച്ചയായ സർവ്വകലാശാലാ അംഗീകാര ഉത്തരവുകളും നടപ്പിലാക്കണമെന്ന് ആവശ്യപ്പെട്ട് അധ്യാപക ജീവനക്കാർ പിന്നീട് നിരവധി റിട്ട് ഹർജികൾ ഫയൽ ചെയ്തു. ബഹു. ഹൈക്കോടതി WP(C) No.35237/2009, WP(C) No.35745/2018, WP(C) No.11018/2019, WP(C) No.26976/2019, WP(C) No.40417/2022, WP(C) No.30913/2019, WP(C) No.30892/2019, WP(C) No.25113/2019, WP(C) No.25138/2019, WP(C) No.31613/2019, WP(C) No.31589/2019 എന്നിവയിലെ 14.03.2025-ലെ സംയുക്ത വിധിന്യായം പ്രകാരം, എല്ലാ റിട്ട് ഹർജികളും അനുവദിക്കുകയും ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവും സർവ്വകലാശാലാ അംഗീകാര ഉത്തരവുകളും നടപ്പിലാക്കാൻ നിർദ്ദേശിക്കുകയും ചെയ്തു, കൂടാതെ WP(C) No.35561/2018 തള്ളുകയും ചെയ്തു. 14/03/2025-ലെ സംയുക്ത വിധിന്യായത്തിന്റെ പകർപ്പ് അനുബന്ധം 14 ആയി ചേർക്കുന്നു.

11) മേൽപ്പറഞ്ഞ വിധിന്യായം പുറപ്പെടുവിക്കവേ, ബന്ധപ്പെട്ട അധ്യാപകരുടെ യോഗ്യതകൾ നിശ്ചയിക്കാൻ യോഗ്യതയുള്ള അതോറിറ്റി കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാലയാണെന്നും യോഗ്യതകളെക്കുറിച്ച് യാതൊരു തർക്കവും ഉന്നയിക്കാതെ സർവ്വകലാശാല അവരുടെ നിയമനങ്ങൾ/പ്രമോഷനുകൾ ഇതിനകം അംഗീകരിച്ചിട്ടുണ്ടെന്നും ബഹു. ഹൈക്കോടതി നിരീക്ഷിക്കുകയുണ്ടായി. സി.സി.എച്ച് ചട്ടങ്ങളുമായി ബന്ധപ്പെട്ട പ്രശ്നങ്ങൾ റിട്ട് ഹർജികളെ എതിർക്കുമ്പോൾ സർക്കാർ ഒരിക്കലും ഉന്നയിച്ചിരുന്നില്ലെന്നും ഉന്നയിക്കപ്പെട്ട ഒരേയൊരു വിഷയം മുൻപത്തെ 13.03.2015-ലെ വിധിന്യായത്തിന്റെ (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 6) അന്തിമതയെക്കുറിച്ചും റൂൾസ് ഓഫ് ബിസിനസ്സിന്റെ വെളിച്ചത്തിൽ 24/09/2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH-ന്റെ സാധുതയെക്കുറിച്ചും മാത്രമായിരുന്നു എന്നും കോടതി ചൂണ്ടിക്കാട്ടി. റൂൾസ് ഓഫ് ബിസിനസ്സ് പ്രകാരം, ആയുഷ് വകുപ്പിന് കീഴിലുള്ള വിദ്യാഭ്യാസ സ്ഥാപനങ്ങളുമായി ബന്ധപ്പെട്ട കാര്യങ്ങളും അവരുടെ ജീവനക്കാരുടെ സർവീസ് കാര്യങ്ങളും ആയുഷ് വകുപ്പിന്റെ പരിധിയിൽ വരുന്നതാണെന്നും ധനകാര്യ വകുപ്പിന്റെ പങ്ക് സാമ്പത്തികമായ ആഘാതങ്ങൾ ഉള്ളടത്തോളം മാത്രമാണെന്നും ബഹു. കോടതി വിലയിരുത്തി. 13.03.2015-ലെ വിധിന്യായം അന്തിമത കൈവരിച്ചതാണെന്നും 24/09/2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH പ്രസ്തുത വിധിന്യായത്തിന്റെ നടത്തിപ്പിനായി പുറപ്പെടുവിച്ച ഒരു അനുബന്ധ ഉത്തരവ് മാത്രമാണെന്നും കോടതി കണ്ടെത്തി. അതനുസരിച്ച്, റൂൾസ് ഓഫ് ബിസിനസ്സ് ലംഘിച്ചു എന്ന കാരണത്താൽ സർക്കാർ ഉത്തരവിനെതിരെ ഉന്നയിച്ച തടസ്സവാദം നിലനിൽക്കുന്നതല്ലെന്ന് വിധിച്ചു. സെലക്ഷൻ കമ്മിറ്റി വിളിച്ചുചേർത്തില്ല എന്ന വാദവും ബഹു. കോടതി നിരസിച്ചു. മുൻ വിധിന്യായത്തിലേക്ക് നയിച്ച നടപടികളിൽ ഇത്തരമൊരു വാദം ഒരിക്കലും ഉന്നയിച്ചിരുന്നില്ലെന്നും സർക്കാർ ഉത്തരവ് നടപ്പിലാക്കുന്നതിനെ എതിർക്കുമ്പോൾ മാത്രമാണ് ഇത് ആദ്യമായി ഉന്നയിക്കുന്നതെന്നും കോടതി നിരീക്ഷിച്ചു. WP(C) No.35561/2018-ൽ ഉന്നയിക്കപ്പെട്ട തർക്കം പ്രധാനമായും മെറ്റീരിയൽ മെഡിക്കൽ വകുപ്പിലെ അധ്യാപകർ തമ്മിലുള്ള

സിനിയോറിറ്റി തർക്കങ്ങളുമായി ബന്ധപ്പെട്ടതാണെന്ന് കണ്ടെത്തുകയും ആയതിനാൽ ബന്ധപ്പെട്ട മറ്റ് റിട്ട് ഹർജികളിലെ അവകാശവാദങ്ങളിൽ നിന്നും അത് വേറിട്ടുനിൽക്കുന്നതാണെന്ന് വിലയിരുത്തുകയും ചെയ്തു. തൽഫലമായി, ബന്ധപ്പെട്ട എല്ലാ റിട്ട് ഹർജികളും അനുവദിക്കുകയും WP(C) No.35561/2018 തള്ളുകയും ചെയ്തു.

12) തുടർന്ന്, ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ ഡോ. രേഖ രാജഗോപാലനും മറ്റുള്ളവരും ഫയൽ ചെയ്ത WP(C) No.2903/2023-ലെ 07.10.2025-ലെ വിധിന്യായത്തിൽ (അനുബന്ധം 15), സമാന സാഹചര്യത്തിലുള്ള പ്രസ്തുത സ്ഥാപനത്തിലെ അധ്യാപകർ ഫയൽ ചെയ്ത ഒരു കൂട്ടം റിട്ട് ഹർജികൾ 14.03.2025-ലെ WP(C) No.35237/2009-ലെയും അനുബന്ധ കേസുകളിലെയും സംയുക്ത വിധിന്യായം വഴി ഇതിനകം അനുവദിച്ചിട്ടുള്ള വസ്തുത ബഹു. ഹൈക്കോടതി കണക്കിലെടുത്തു. എതിർകക്ഷികൾ ഉന്നയിച്ച എല്ലാ വാദങ്ങളും പ്രസ്തുത വിധിന്യായത്തിൽ സമഗ്രമായി പരിഗണിക്കുകയും മറുപടി നൽകുകയും ചെയ്തിട്ടുണ്ടെന്ന് ബഹു. കോടതി നിരീക്ഷിച്ചു. അതനുസരിച്ച്, 14.03.2025-ലെ വിധിന്യായത്തിലെ തത്ത്വങ്ങൾ പിന്തുടർന്നുകൊണ്ട്, ഹർജിക്കാരിയുടെ നിയമനത്തിന് നൽകിയ അംഗീകാരം കണക്കിലെടുത്ത്, അംഗീകൃത തസ്തികയിൽ അവർക്ക് ലഭിക്കേണ്ട ശമ്പളവും ശമ്പള കടിശ്ശികയും വിധിന്യായത്തിന്റെ പകർപ്പ് ലഭിച്ച തീയതി മുതൽ ഏതു സാഹചര്യത്തിലും മൂന്ന് മാസത്തെ കാലാവധിക്കുള്ളിൽ അനുവദിക്കുന്നതിനും വിതരണം ചെയ്യുന്നതിനും ഒന്നും രണ്ടും മൂന്നും എതിർകക്ഷികൾക്ക് നിർദ്ദേശം നൽകിക്കൊണ്ട് റിട്ട് ഹർജി തീർപ്പാക്കി.

13) അഡ്വക്കേറ്റ് ജനറലിന്റെ 21/07/2025-ലെ നിയമോപദേശത്തിന്റെ (അനുബന്ധം 16) അടിസ്ഥാനത്തിൽ 14.03.2025-ലെ സംയുക്ത വിധിന്യായത്തിനും (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 14) WP(C) No.2903/2023-ലെ 07.10.2025-ലെ വിധിന്യായത്തിനും (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 15) എതിരെ സർക്കാർ ബഹു. ഡിവിഷൻ ബെഞ്ച് മുൻപാകെ റിട്ട് അപീലുകൾ ഫയൽ ചെയ്തു. എങ്കിലും, WP(C) No.2903/2023-ന് എതിരെ ഫയൽ ചെയ്ത W.A. No.484/2026 ഉൾപ്പെടെയുള്ള W.A. Nos.2442/2025, 2543/2025, 2644/2025, 2564/2025, 2602/2025, 2591/2025, 2568/2025, 2631/2025, 2609/2025, 2601/2025 എന്നിവയിലെ 08.04.2026-ലെ സംയുക്ത വിധിന്യായം പ്രകാരം ബഹു. ഡിവിഷൻ ബെഞ്ച് എല്ലാ അപീലുകളും തള്ളി, 13.03.2015-ലെ വിധിന്യായം അന്തിമത കൈവരിച്ച സ്ഥിതിക്ക് അത് നടപ്പിലാക്കാൻ സർക്കാർ ബാധ്യസ്ഥരാണെന്നും സിംഗിൾ ബഞ്ചിന്റെ വിധിന്യായത്തിൽ യാതൊരുവിധ നിയമവിരുദ്ധതയോ ഔചിത്യമില്ലായ്മയോ ഇല്ലെന്നും കോടതി വ്യക്തമാക്കി. റിട്ട് അപീലുകളിലെ 08/04/2026-ലെ സംയുക്ത വിധിന്യായം അനുബന്ധം 17 ആയി ചേർക്കുന്നു. WP(C) No.35561/2018-ലെ ഹർജിക്കാരൻ ബഹു. ഹൈക്കോടതി മുൻപാകെ WA 1781/2025 ഫയൽ ചെയ്തിട്ടുണ്ട്, ഇതിൽ ഇതുവരെ വിധി പ്രസ്താവിച്ചിട്ടില്ല.

14) ഇതിനിടയിൽ, ധനകാര്യ വകുപ്പ് ഫയൽ ചെയ്തിരുന്ന SLP(C) Nos.27213/2019, 10603/2020 എന്നിവ പ്രസക്തിയില്ലാത്തതായി കണ്ട് ബഹു. സുപ്രീം കോടതി 03.02.2026-ലെ ഉത്തരവ് വഴി തീർപ്പാക്കുകയുണ്ടായി (അനുബന്ധം 18).

15) അതനുസരിച്ച്, 24.09.2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവും അതിന്റെ തുടർച്ചയായ സർവ്വകലാശാലാ അംഗീകാര ഉത്തരവും (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 10) അന്തിമമാവുകയും ആയത് നടപ്പിലാക്കുന്നതിന് സർക്കാർ ബാധ്യസ്ഥമാകുകയും ചെയ്തിട്ടുണ്ട്.

16) ഇതിനിടയിൽ, റിട്ട് അപീലുകൾ ബഹു. കോടതിയുടെ പരിഗണനയിലിരിക്കുമ്പോൾ, അധ്യാപകരിൽ ഒരാളായ ഡോ. സുരേഷ് കുമാർ പി.വി, 13/03/2015-ലെ WP(C) 18669/2006 (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 6) വിധിന്യായം നടപ്പിലാക്കാത്തത് ചൂണ്ടിക്കാണിച്ച് കോടതി അലക്ഷ്യ കേസ്-No.2689/2024 വഴി ബഹു. ഹൈക്കോടതിയെ സമീപിച്ചിരുന്നു. ബഹു. ഹൈക്കോടതിയുടെ നിർദ്ദേശങ്ങൾ പാലിച്ചുകൊണ്ട്, നിലവിലുള്ള റിട്ട് അപീലുകളുടെ അന്തിമ തീരുമാനത്തിന് വിധേയമായി പ്രസ്തുത അധ്യാപകന് പ്രമോഷനും അതിന്റെ അനന്തരഫലമായുള്ള സാമ്പത്തിക ആനുകൂല്യങ്ങളും നൽകിക്കൊണ്ട് സർക്കാർ ജി.ഓ. (ആർ.ടി) നമ്പർ 221/2026/AYUSH തീയതി 05.04.2026 (അനുബന്ധം 19) പുറപ്പെടുവിച്ചു. അതനുസരിച്ച് ഹർജിക്കാരന് ഏകദേശം ₹1.25 കോടി രൂപ വരുന്ന സാമ്പത്തിക ആനുകൂല്യങ്ങൾ അനുവദിക്കുകയുണ്ടായി. കോടതിയലക്ഷ്യ നടപടികൾ നിലവിലുള്ളത് കണക്കിലെടുത്ത് ബഹു. മുഖ്യമന്ത്രി അംഗീകാരം നൽകിയത് പ്രകാരവും കരട് ഉത്തരവ് നിയമവകുപ്പ് വെറ്റ് ചെയ്ത് പ്രകാരവുമാണ് പ്രസ്തുത ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുള്ളത്.

17) 08/04/2026-ൽ റിട്ട് അപീലുകൾ തള്ളിയതിനെ തുടർന്ന്, വിധിന്യായവും സർക്കാർ ഉത്തരവും നടപ്പിലാക്കുന്നതിനുള്ള നിർദ്ദേശം പരിഗണിക്കുന്നതിനിടയിൽ, ഇതിലൂടെയുണ്ടാകുന്ന സാമ്പത്തിക ബാധ്യതകൾ പ്രിൻസിപ്പാൾ & കൺട്രോളിംഗ് ഓഫീസറിൽ നിന്നും ലഭ്യമാക്കിയിട്ടുണ്ട്. 02.06.2026-ലെ റിപ്പോർട്ട് പ്രകാരം (അനുബന്ധം 20), അംഗീകരിക്കപ്പെട്ട എല്ലാ അധ്യാപക ജീവനക്കാരുടെയും കാര്യത്തിൽ സർവ്വകലാശാലാ അംഗീകാര ഉത്തരവ് നടപ്പിലാക്കുമ്പോൾ ഉണ്ടാകുന്ന സാമ്പത്തിക ബാധ്യത ഏകദേശം ₹60 കോടി രൂപയാണെന്ന് റിപ്പോർട്ട് ചെയ്യുകയുണ്ടായി. ഓരോ അധ്യാപകരുടെയും വ്യക്തിഗതമായ ശമ്പള നിർണ്ണയവും സർവീസ് വിവരങ്ങളുടെ പരിശോധനയും പൂർത്തിയായ ശേഷമേ കൃത്യമായ ബാധ്യത തീട്ടപ്പെടുത്താൻ സാധിക്കൂ എന്നും റിപ്പോർട്ട് ചെയ്യപ്പെട്ടിട്ടുണ്ട്.

18) 08.04.2026-ൽ റിട്ട് അപീലുകൾ തള്ളിയതിനെ തുടർന്ന്, വിധിന്യായങ്ങളും സർക്കാർ ഉത്തരവുകളും നടപ്പിലാക്കണമെന്ന് ആവശ്യപ്പെട്ട് ബഹു. ഹൈക്കോടതി മുൻപാകെ നിരവധി കോടതി അലക്ഷ്യ കേസുകൾ ഫയൽ ചെയ്യപ്പെട്ടിട്ടുണ്ട്. നിലവിൽ നിലനിൽക്കുന്ന പ്രധാന കോടതി അലക്ഷ്യ കേസുകൾ താഴെ പറയുന്നവയാണ്:

- (i) ഡോ. കൃഷ്ണകുമാർ എം ഫയൽ ചെയ്ത WP(C) No.35745/2018-ലെ CoC No.1302/2026,
- (ii) ഡോ. എൽ മിനി ദേവി ഫയൽ ചെയ്ത WP(C) No.30913/2019-ലെ CoC No.1347/2026,
- (iii) ഡോ. ശൈലേന്ദ്ര കുമാർ ജി എൻ ഫയൽ ചെയ്ത WP(C) No.25138/2019-ലെ CoC No.1357/2026,
- (iv) ഡോ. ശാലിനി ജി ഉണ്ണിത്താൻ ഫയൽ ചെയ്ത WP(C) No.26976/2019-ലെ CoC No.1262/2026, കൂടാതെ
- (v) ഡോ. രേഖ രാജഗോപാലനും മറ്റ് 5 പേരും ഫയൽ ചെയ്ത WP(C) No.2903/2023-ലെ CoC No.287/2026.

19) മേൽപ്പറഞ്ഞ കോടതി അലക്ഷ്യ കേസുകളിൽ വിധി നടപ്പിലാക്കുന്നതിനായി ബഹു. ഹൈക്കോടതി നൽകിയിരുന്ന സമയപരിധികളെല്ലാം തന്നെ അവസാനിച്ചിട്ടുള്ളതും വിധി നടപ്പിലാക്കാതിരിക്കുന്നത് ഉത്തരവാദികളായ ഉദ്യോഗസ്ഥരുടെ നേരിട്ടുള്ള ഹാജരാകൽ ഉൾപ്പെടെയുള്ള കർശന നടപടികൾക്ക് കാരണമായേക്കാമെന്ന് വ്യക്തമാക്കിയിട്ടുള്ളതുമാണ്. ഡോ. ശൈലേന്ദ്ര കുമാർ ജി എൻ ഫയൽ ചെയ്ത CoC Case No. 1357/2026-ലെ 01/06/2026-ലെ ഉത്തരവ് അനുബന്ധം 21 ആയി ചേർക്കുന്നു.

20) കുടിശ്ശികയും നിലവിലെ ശമ്പളവും വിതരണം ചെയ്യുന്നതിനുള്ള സാമ്പത്തിക അനുമതിക്കായി ഈ വിഷയം വീണ്ടും ധനകാര്യ വകുപ്പിന്റെ പരിഗണനയ്ക്ക് വിട്ടു. ധനകാര്യ വകുപ്പ് 08/06/2026-ൽ താഴെ പറയുന്ന നിർദ്ദേശങ്ങൾ നൽകി.

“In view of the fact that there is a difference of opinion between the Ayush and Finance Department, and that the GO(Rt) No. 473/2016/AYUSH dated 24.09.2016 is in violation of the Rules of Business, it is imperative that the issue be placed before the Council of Ministers. Hence, the AD is informed the following:

1. The Administrative Department is requested to place the matter of implementation of G.O.(Rt) No. 473/2016/AYUSH dated 24.09.2016 before the Council of Ministers for decision, subject to the condition that AD shall ensure that there are no Court cases on this issue pending before any Court (except the Contempt cases for implementation of existing Court Decisions)

2 . While placing the matter before the Cabinet, a decision may also be taken regarding the possibility of settling the dues in suitable installments over a period of 18 months, considering the significant financial implications involved.

3. The Administrative Department may, if it so desires , move a separate proposal for modifying the aforesaid GO as per the latest CCH Regulations, after the implementation of this GO, and the modified order shall be issued in compliance of the Rules of Business, in consultation with Law Department.

This has the approval of Hon. Chief Minister.”

21) തുക ഗഡുക്കളായി നൽകാൻ ധനകാര്യ വകുപ്പ് പ്രസ്താവിച്ചിട്ടുണ്ടെങ്കിലും, കോടതി വിധി പൂർണ്ണമായി നടപ്പിലാക്കേണ്ടതുളളതിനാൽ ഭരണ വകുപ്പിന് ഇപ്രകാരം നിർദ്ദേശിക്കാൻ കഴിയുന്ന സാഹചര്യമല്ല ഉള്ളത്. WP(c) No. 18669/2006 -ലെയും ബന്ധപ്പെട്ട കേസുകളിലെയും ബഹു. കോടതിയുടെ 13/03/2015 -ലെ ഉത്തരവിൽ മുഴുവൻ കടിശ്ശിക തുകകളും സാമ്പത്തിക ആനുകൂല്യങ്ങളും യാതൊരു കാലതാമസവും കൂടാതെ വിതരണം ചെയ്യണമെന്ന് നിർദ്ദേശിച്ചിട്ടുണ്ട്. ഈ വിഷയവുമായി ബന്ധപ്പെട്ട് സമർപ്പിക്കപ്പെട്ട 10 റിട്ട് ഹർജികളിലെ സംയുക്ത ഉത്തരവാണ് മുകളിൽ പരാമർശിച്ചിട്ടുള്ളത്. കൂടാതെ ഡോ. സക്കറിയ ജോർജ്ജ് മറ്റു മൂന്ന് പേരും ഫയൽ ചെയ്ത WP(C) No.25154/2019 കേസിലെ ബഹു. ഹൈക്കോടതിയുടെ 21/05/2026 -ലെ സമാന വിധിന്യായവും നിലവിലുണ്ട്. ഹെൽത്ത് & ഫാമിലി വെൽഫെയർ അഡീഷണൽ ചീഫ് സെക്രട്ടറി, ഫയർ എഡ്യൂക്കേഷൻ പ്രിൻസിപ്പൽ സെക്രട്ടറി, കൺട്രോളർ ഓഫ് എൻട്രൻസ് എക്സിക്യൂട്ടീവ് എൻ്റർപ്രൈസസ് എന്നിവർക്കെതിരെ ഫയൽ ചെയ്യപ്പെട്ട CCC 1088/2026 നമ്പർ കേസിലെ വിധിന്യായത്തിൽ ₹5 ലക്ഷം രൂപ ഇതിനകം വിതരണം ചെയ്തിട്ടുണ്ടെങ്കിലും ₹10,000/- ത്തോളം വരുന്ന പലിശ തുക നൽകാത്തതിനാൽ നടപടി നേരിടുന്നുണ്ട്. ആ കേസ് ഇപ്പോൾ ആരോഗ്യവകുപ്പിൽ പ്രത്യേകമായി കൈകാര്യം ചെയ്യവരികയാണ്.

22) പ്രസ്തുത കോളേജിലെ അധ്യാപക തസ്തികകളിലേക്ക് ആകെ 53 നിയമനങ്ങളാണ് നടന്നിട്ടുള്ളത്. ഇതിൽ ഒരു ജീവനക്കാരൻ സർവീസിൽ നിന്നും രാജി വെക്കുകയും, മറ്റൊരു ജീവനക്കാരന്റെ നിയമനത്തിന് സർവ്വകലാശാല അംഗീകാരം നൽകുകയുമുണ്ടായില്ല. ബാക്കിയുള്ള 51 ജീവനക്കാരിൽ 32 അധ്യാപകരുടെ നിയമനങ്ങൾ 30.10.2009-ലെ ജി.ഓ. (എം.എസ്) No.376/2009/H&FWD (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 4) പ്രകാരം സ്ഥിരപ്പെടുത്തിയിരുന്നു. എങ്കിലും, 13.03.2015-ലെ WP(C) No.18669/2006 (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 6) വിധിന്യായത്തെ തുടർന്ന് പ്രസ്തുത സർക്കാർ ഉത്തരവ് റദ്ദാക്കപ്പെടുകയുണ്ടായി. മേൽപ്പറഞ്ഞ 51 ജീവനക്കാരുടെയും നിയമനങ്ങൾക്ക് 04.08.2018-ലെ കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാലയുടെ Order No. 6772/AC1/Gen/A3/15/KUHS (മുകളിൽ പരാമർശിച്ച അനുബന്ധം 10) ഉത്തരവ് വഴി അംഗീകാരം ലഭിച്ചിട്ടുണ്ട് (31.05.2026 വരെയുള്ള കണക്കനുസരിച്ച് ഇതിൽ 16 ജീവനക്കാർ സർവീസിൽ നിന്നും വിരമിച്ചു). അവരിൽ 10 ജീവനക്കാർ ബഹു. കോടതി മുൻപാകെ കോടതി അലക്ഷ്യ ഹർജികൾ ഫയൽ ചെയ്തിട്ടുണ്ട്. ഈ ജീവനക്കാരുടെയും സമാന സാഹചര്യത്തിലുള്ള മറ്റ് ജീവനക്കാരുടെയും (ആകെ 51

ജീവനക്കാർ) നിയമനങ്ങൾ ക്രമീകരിക്കേണ്ടതുണ്ട്. നാഷണൽ കമ്മീഷൻ ഫോർ ഹോമിയോപ്പതിയുടെ 2024-ലെ നിലവിലുള്ള ചട്ടപ്രകാരം ബാച്ചിലർ ഓഫ് ഹോമിയോപ്പതിക് മെഡിസിൻ ആൻഡ് സർജറി (BHMS) ഡിഗ്രി കോഴ്സിന് പ്രിൻസിപ്പൽ ഉൾപ്പെടെ കുറഞ്ഞത് 41 അധ്യാപകർ ഉണ്ടായിരിക്കണം. 2024-ലെ ചട്ടത്തിന്റെ പ്രസക്തമായ പേജ് അനുബന്ധം 22 ആയി ചേർക്കുന്നു.

23) ബഹു. ഹൈക്കോടതി വിധിന്യായങ്ങൾ അന്തിമ രൂപം കൈവരിച്ചതിനാലും, ബന്ധപ്പെട്ട റിട്ട് അപ്പീലുകൾ തള്ളിയതിനാലും, ബന്ധപ്പെട്ട സ്പെഷ്യൽ ലീവ് പെറ്റീഷനുകൾ തീർപ്പാക്കിയതിനാലും, ബഹു. അഡ്വക്കേറ്റ് ജനറലിന്റെ നിയമോപദേശം കണക്കിലെടുത്തും, ബഹു. കോടതി അനുവദിച്ച സമയപരിധികളെല്ലാം അവസാനിച്ച സാഹചര്യത്തിലും, 24/09/2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH നടപ്പിലാക്കുന്നതും അതിന്റെ അനന്തരഫലമായുള്ള സാമ്പത്തിക ആനുകൂല്യങ്ങൾ അനുവദിക്കുന്നതും ഒഴിവാക്കാൻ കഴിയാത്തതായി മാറിയിരിക്കുന്നു.

24) ഈ വിഷയം മന്ത്രിസഭയുടെ തീരുമാനത്തിനായി സമർപ്പിക്കണമെന്ന് ധനകാര്യ വകുപ്പ് നിർദ്ദേശിച്ചിട്ടുണ്ട്. ഫയൽ ബഹു. മുഖ്യമന്ത്രിയ്ക്ക് സമർപ്പിച്ചപ്പോൾ ഈ വിഷയം മന്ത്രിസഭയുടെ പരിഗണനയ്ക്ക് സമർപ്പിക്കാൻ ബഹു. മുഖ്യമന്ത്രി ഉത്തരവായി.

തീരുമാനിക്കേണ്ട വിഷയങ്ങൾ

(I) 24.09.2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ, കേരള ആരോഗ്യ ശാസ്ത്ര സർവ്വകലാശാല പുറപ്പെടുവിച്ച 04.08.2018-ലെ Order No. 6772/AC1/Gen/A3/15/KUHS ഉത്തരവ് പ്രകാരം അംഗീകാരം ലഭിച്ച നേമം ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ 51 അധ്യാപക ജീവനക്കാരുടെ നിയമനങ്ങളും പ്രമോഷനുകളും നിലവിലുള്ള നടപടിക്രമങ്ങളിൽ ഇളവ് വരുത്തി ക്രമീകരിക്കാവുന്നതാണോ?

(II) ബഹു. ഹൈക്കോടതിയുടെ വിധിന്യായങ്ങൾ അനുസരിച്ചുകൊണ്ട്, അധ്യാപകരുടെ നിയമനങ്ങൾ ക്രമീകരിച്ച ശേഷം ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ അംഗീകൃത അധ്യാപക ജീവനക്കാർക്ക് അർഹതപ്പെട്ട ശമ്പള കടിശ്ശിക, ശമ്പളം, പ്രമോഷൻ ആനുകൂല്യങ്ങൾ, മറ്റ് അനന്തരഫലമായുള്ള സേവനാനുകൂല്യങ്ങൾ എന്നിവ 18 തവണകളായി വിതരണം ചെയ്യുന്നതിന് പ്രിൻസിപ്പാൾ & കൺട്രോളിംഗ് ഓഫീസർക്ക് അനുമതി നൽകാവുന്നതാണോ?

(III) കോടതി ഉത്തരവ് നടപ്പാക്കുന്നതിന്റെ ഭാഗമായി പുറപ്പെടുവിച്ച 24.09.2016-ലെ ജി.ഓ.(ആർ.ടി) നമ്പർ 473/2016/AYUSH നമ്പർ ഉത്തരവ് നടപ്പിലാക്കിയതിനുശേഷം ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ സ്റ്റാഫ് പാറ്റേൺ നിലവിലുള്ള സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതിയുടെ റെഗുലേഷൻ പ്രകാരം പരിഷ്കരിക്കുന്നതിന് റൂൾസ് ഓഫ് ബിസിനസ്സ് പ്രകാരവും നിയമവകുപ്പിന്റെ അഭിപ്രായം ആരാഞ്ഞും നടപടി സ്വീകരിക്കാവുന്നതാണോ?

GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department – Shree Vidyadhiraja Homoeopathic Medical College,
Nemom, Thiruvananthapuram – Direct Payment System – Introduced – Orders issued

HEALTH & FAMILY WELFARE (J) DEPARTMENTG.O.(MS)No. 184/2003/H&FWDDated, Thiruvananthapuram, 3-9-2003.

- Read:- 1 G.O.(MS)No. 511/1995/H&FWD dated 10-11-1995.
2. G.O.(MS)No. 154/1996/H&FWD dated 23-3-1996.
3. Agreement made and entered into between the Government and the Management of Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram.
4. Letter No. 2396/C1/02/GHMCT dated 8-1-2003 from the Principal & Controlling Officer, Government Homoeo Medical College, Thiruvananthapuram.

ORDER

As per the G.O. read as 1st paper above, orders were issued introducing Direct Payment System in the three private Homoeopathic Medical Colleges in the State viz Athurasramam NSS Homocopathic Medical College, Kurichy, Dr. Padiar Memorial Homoeopathic Medical College, Chottanikkara and Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram subject to the following conditions:

- (a) Direct Payment of salary will take effect from 1-11-1995;
- (b) All these private Homoeopathic Medical Colleges will enter into agreements with the Government to the effect that in respect of appointment of staff and enrolment of students, they will abide by the terms and conditions similar to those adopted in respect of private Engineering Colleges in the State;
- (c) Dr. Padiar Memorial Homoeopathic Medical College will not claim any special rights of a minority institution or of a self financing institution;
- (d) Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram shall obtain recognition from the University of Kerala as a pre-condition for implementation of Direct Payment System.

The managements of the Athurasramam NSS Homoeopathic Medical College, Kurichy and Dr. Padiar Memorial Homoeopathic Medical College, Chottanikkara,

executed agreements with Government on the lines as stipulated in condition (b) above and accordingly the System of Direct Payment had been introduced in the above colleges with effect from 1-11-1995 and 1-1-2000 respectively.

In respect of Shree Vidyadhiraja Homoeopathic Medical College, the main hurdle for implementing Direct Payment System was

- (1) lack of affiliation from Kerala University; and
- (2) non-execution of agreement with Government as was done in the case of Athurasramam NSS Homoeopathic Medical College, Kottayam and Dr. Padiar Memorial Homoeopathic Medical College, Chottanikkara, Ernakulam.

The Staff Association and the Secretary, Shree Vidyadhiraja Vidya Samajam have requested that Direct Payment System may be implemented in the College on the same terms and conditions as accepted in the case of the other two private Homoeopathic Medical Colleges. The Hon'ble Minister (Health) discussed the matter with the representatives of the Management of Shree Vidyadhiraja Homoeopathic Medical College, and the Principal & Controlling Officer, Government Homoeopathic medical College, on 7-10-2002 wherein it was decided among other things to take action to introduce Direct Payment System in the College with effect from 1-9-2002.

The University of Kerala had granted provisional affiliation to Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram, for BHMS Course from 1996 - 97 academic year and the Principal & Controlling Officer has recommended that Direct Payment System may be introduced in the College with the provisional affiliation of the University as in the case of Dr. Padiar Memorial Homoeopathic Medical College, Chottanikkara.

Accordingly an agreement was entered into between Government and the Management of Shree Vidyadhiraja Homoeopathic Medical College, on 21-6-2003, agreeing to certain terms and conditions with regard to the appointment of staff, admission of students, collection of fees and other relevant matters relating to the conduct and management of the affairs of the institution.

In the above circumstances, Government are pleased to order that Direct Payment System be introduced in the Shree Vidyadhiraja Homoeopathic Medical College, with effect from 1-9-2002, subject to the conditions set out in the agreement read above and subject to the further condition that selection of candidates for admission to the institution against 85% of the sanctioned strength in the institution will be made by the Government or by such authority as may be appointed by the Government for this purpose. For the remaining 15% of the seats, candidates will be selected by the Educational Agency from the total rank list (or select list) prepared by the Controller of Entrance Examinations on the basis of Entrance Examination conducted for the purpose, provided that if 15% of the sanctioned strength which forms the Management Quota includes a fraction also, any fraction which is one half ($\frac{1}{2}$) or above shall be treated as one (1) and any fraction which is below one-half ($\frac{1}{2}$) will be ignored.

The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram is authorized to countersign the bills as in the case of Athurasramam

NSS Homoeopathic Medical College, Kottayam and Dr. Padiar Memorial Homoeopathic Medical College, Chottanikkara, Ernakulam. He will also take necessary action to make staff fixation and to move Government in Finance Department for providing funds for payment of salary and allowances to the staff of Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram. Government also order that the Homoeopathic Education Rules and procedures regarding direct payment of salaries to Teaching and Non-teaching staff of the private Homoeopathic Medical colleges issued in G.O.(MS)No. 154/1996/H&FWD dated 23-3-1996 read as 2nd paper above, are applicable in the case of direct payment in Shree Vidyadhiraja Homoeopathic Medical College, Nemom also. Until fixation of staff strength, approval of staff and salary are done, members of the staff in Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram, as detailed by the Principal & Controlling Officer in his letter read above, will be paid salary and allowances at the approved rate at which they were drawing their pay for the month of August 2002.

By order of the Governor,
E.K. BHARAT BHUSHAN,
SECRETARY.

To

The Secretary, Vidyadhiraja Vidya Samajam, Thiruvananthapuram.

The Accountant General (A&E)/(Audit), Kerala, Thiruvananthapuram.

The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.

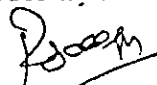
The Principal, Government Homoeo Medical College, Kozhikode.

The Principal, Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram.

✓ The Finance Department.

SF/OC.

Forwarded/By order.


Section Officer.

GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department – Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram – Fixation of staff pattern – Approved – Orders issued.

HEALTH & FAMILY WELFARE (J) DEPARTMENT

G.O. (MS) No.203/2006/H&FWD Dated, Thiruvananthapuram; 22/09/2006.

Read:-1. G.O. (MS) No. 184/2003/H&FWD dated 03/09/2003.
2. G.O. (Rt) No. 945/2004/H&FWD dated 27/03/2004.

ORDER

As per G.O. 1st cited, Direct Payment System was introduced in the Shree Vidyadhiraja Homoeopathic Medical College with effect from 01/09/2002. It was interalia ordered that until fixation of staff strength, staff will be paid salary at the rate at which they were drawing their pay for the month of 8/2002. The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram was directed to take necessary action for staff fixation.

The Principal & Controlling Officer has submitted proposals in this regard. The matter was examined in consultation with Finance Department and proposed to fix a staff pattern for the College as detailed below.

PRINCIPAL – 1

(A) TEACHING POSTS

- I. ANATOMY (All posts from 1/9/2002 onwards)
 1. Reader -1
 2. Lecturer -1
 3. Tutor -1
- II. PHYSIOLOGY (All posts from 1/9/2002 onwards)
 1. Reader -1
 2. Lecturer -1
 3. Tutor -1

III. ORGANON OF MEDICINE

1. Reader -1 (from 1/9/2003)
2. Lecturer -1 (from 1/9/2002)
3. Tutor -1 (from 1/9/2002)

IV. PHARMACY

1. Lecturer -1 (from 1/9/2002)
2. Tutor -1 (from 1/9/2002)

V. MATERIA MEDICA

1. Professor -1 (from 1/9/2004)
2. Reader -1 (from 1/9/2003)
3. Lecturer -1 (from 1/9/2002)
4. Tutor -1 (from 1/9/2002)

VI. PATHOLOGY

1. Lecturer -1 (from 1/9/2003)
2. Tutor -1 (from 1/9/2003)

VII. FORENSIC MEDICINE

1. Lecturer -1 (from 1/9/2003)
2. Tutor -1 (from 1/9/2003)

VIII. PRACTICE OF MEDICINE

1. Reader -1 (from 1/9/2005)
2. Lecturer -1 (from 1/9/2004)
3. Tutor -1 (from 1/9/2003)

IX. SURGERY

1. Lecturer -1 (from 1/9/2004)
2. Tutor -1 (from 1/9/2003)

X. OBSTETRICS & GYNAECOLOGY

1. Lecturer -1 (from 1/9/2004)
2. Tutor -1 (from 1/9/2003)

XI. COMMUNITY MEDICINE

1. Lecturer -1 (from 1/9/2003)
2. Tutor -1 (from 1/9/2003)

XII. REPERTORY

1. Lecturer -1 (from 1/9/2005)
2. Tutor -1 (from 1/9/2005)

(B) NON-TEACHING POSTS (All posts will take effect from 1/9/2002)

1. Junior Superintendent – 1
2. Lower Division Clerk – 6
3. L.D. Typist – 2
4. Peon – 2
5. Watcher – 2
6. Sweeper/Cleaner – 3 (Part-time basis)
7. Librarian Grade IV – 1
8. Library Assistant – 1
9. Laboratory Technician -2 (in the lowest cadre)
10. Lab Attender – 2 (in the lowest cadre)
11. Specimen Collector – 2
12. Driver – 1

Government have examined the matter in detail and are pleased to approve the staff pattern consisting of 31 teaching staff and 25 non-teaching staff as detailed above in the Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram.

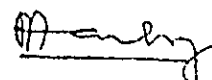
By order of the Governor,

DR. VISHWAS MEHTA
SECRETARY TO GOVERNMENT

To

The Principal & Controlling Officer, Government Homoeopathic Medical College,
Thiruvananthapuram.
The Principal, Shree Vidyadhiraja Homoeopathic Medical College, Nomom,
Thiruvananthapuram
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The District Treasury Officer, Thiruvananthapuram.
The Finance Department – vide U.O. No.20630/H&LA2/06/Fin dated 17/04/2006
The General Administration (SC) Department – vide item No.235 dated 20/09/2006
of the Council of Ministers
SF/OC

Forwarded/By order,



Section Officer.

GOVERNMENT OF KERALA

ABSTRACT

Health & Family Welfare Department - Staff Fixation of Teaching & Non-teaching Staff of Sree Vidhyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram - Orders issued.

HEALTH AND FAMILY WELFARE (J) DEPARTMENT

G.O.(MS)No.346/2008/H&FWD

Dated, Thiruvananthapuram 09/07/2008

- Read :
1. G.O.(MS)No.184/2003/H&FWD dated 03.09.2003
 2. G.O.(MS)No.203/2006/H&FWD dated 22.09.2006
 3. Minutes of the meeting held on 28.03.2007 in the Chamber of the Minister (H&SW)
 4. Letter No.3525/C1/06/GHMC dated 20.08.2007 & 15.09.2007 of the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram

ORDER

Government as per G.O. read as first paper above, introduced Direct Payment System (DPS) in the Sree Vidhyadhiraja Homoeopathic Medical College, Nemom with effect from 01.09.2002. Later in Government Order read as 2nd paper above a staff pattern consisting of 31 teaching staff and 25 non-teaching staff for the college has been approved by the Government. The teaching staff approved included the following posts in various disciplines, with effect from various dates starting from 01.09.2002.

Principal	-	1
Professor	-	1
Readers	-	5
Lecturers	-	12
Tutors	-	12
Total	-	31

The Non-teaching staff included the following categories from 01.09.2002

Sl. No.	Post	No
1	Junior Superintendent	1
2	Lower Division Clerk	6
3	Lower Division Typist	2
4	Peon	2
5	Watcher	2
6	Sweeper/Cleaner (Part Time)	3
7	Librarian Grade - IV	1
8	Library Assistant	1
9	Laboratory Technician (in the lowest cadre)	2
10	Lab Attender (in the lowest cadre)	2
11	Specimen Collector	2
12	Driver	1
Total		25

2) The Principal and Controlling Officer as per Letter dated 20.08.2007 read as 4th paper above recommended and forwarded to Government a list of both Teaching and Non-teaching staff for fixing the staff of the college by Government.

3) Government have examined all aspects involved in the proposals and are pleased to order the following:-

- (i) The Direct Payment System (DPS) came into force with effect from 01.09.2002 and the College had remained closed for almost 11 years between 1990 and 2001. Hence, the service said to have been rendered by some of the staff members prior to 01.09.2002 are not reckoned for staff fixation benefits. However, three senior most teachers who have joined in 1980s and have more than 3 years service as on 01.09.2002 will be placed in the cadre of Lecturer w.e.f from 01.09.2002 as a special case, considering their past experience. In all other cases, the teachers will be given initial appointment in the entry cadre as Tutors w.e.f 01.09.2002 or their respective date of joining whichever is applicable. The list of posts sanctioned as per G.O. read as 2nd paper above is revised as below, by downgrading some posts to Lecturer/Tutor, to accommodate as many eligible candidates working in the College against the regular posts

Sl. No.	Name of Post	Number sanctioned as per G.O. (MS) No.203/2006/H&FWD dated 22.09.2006	Revised number as per the reorganization now ordered
1	Principal	1	1
2	Professor	1	0 (One post is temporarily downgraded as Tutor)
3	Readers	5	0 (5 posts are temporarily downgraded as Tutors)
4	Lecturers	12	3 (9 posts are temporarily downgraded as Tutors) (w.e.f 01.05.2008 after down grading one more post)
5	Tutors	12	27 (28 w.e.f 01.05.2008 after down grading one more post)
Total		31	31

(ii) 30 nos. teaching staff working in the college as per the list given as Table-1 in the Annexure to this G.O are provisionally appointed against the sanctioned/downgraded posts in the entry cadre, except the post of Principal.

(iii) Regular appointment to the post of Principal will be done later. Till then the senior most among the faculty will be given full additional charge of Principal, vice Dr. Rajeev who has retired.

(iv) The employees regularized in the entry post will be eligible for promotion to the next higher grade/post on completion of the prescribed period of service for promotion as per Kerala Homoeopathic Medical College Service Special Rules, subject to availability of vacancy. The date of common seniority as per the date of joining will be reckoned for fixing the eligibility for

promotion from the Tutor grade to the Lecturer grade, and not departmental seniority. That is, if a vacancy of Lecturer arises in any department, the senior-most among the Tutors in all departments will be eligible for the post and the Lecturer post will be treated as sanctioned for that department.

The posts of Lecturer/Reader/Professor sanctioned as per G.O read as 2nd paper above will be considered for restoration by the Government as and when more posts are sanctioned in future as per Central Council of Homoeopathy norms. The appointment/promotion of the above staff to the higher grades/posts as sanctioned as per Government order read as 2nd paper above and as modified now will be done later as per the Kerala Homoeopathic Medical College Special Rules and as per the Regulations of the University of Kerala. The Principal and Manager of the College shall submit proposal for promotions to the higher grades/posts duly recommended by Principal & Controlling Officer to the University of Kerala and promotions may be done with the approval of the University.

- (v) 11 nos. of teaching staff in the college as per the list given as Table-2 in the Annexure will be treated as excess staff who will be absorbed against the post of Tutor as and when vacancies arise in future. They will be considered for regular appointment under DPS in the order of their seniority as as in Table-2 in the Annexure.
- (vi) 26 nos. of non-teaching staff in the college as per the list given in Table-3 in the Annexure are provisionally appointed against the sanctioned posts noted against each. Appointment/promotion against the vacancies arising on retirement will be considered separately as per rules.
- vii) The decision regarding regularization of the following persons for inclusion in the list of non-teaching staff (LDC) for DPS is kept pending view of the complaints received from others about their eligibility and service.
 - i) Mayakumari J
 - ii) Sreelatha B
 - iii) Sai Prasad S. V.

The Principal and Controlling Officer will review these cases and personally hear the concerned persons and submit report to the Government within one month. 3 posts of LDC will be kept unfilled till further decision is taken in this matter. The regularization of St. No. 4-7 as LDC ordered as per para (vi) above, will also be subject to final decision as per the review of claims as above.

- (viii) The non-teaching staff in the college as per the list given in Table-4 in the Annexure will be treated as excess staff who will be absorbed in the respective cadre, as and when vacancies arise in future. They will be considered for regular appointment under DPS in the order of their seniority as given below, subject to final decision of Court in the related cases, if any
- 4. The employees who are working in the college as teaching staff as per the list given as Table-5 in Annexure have not been included in the approved list of teaching staff, since they do not possess the prescribed qualifications. Further there are no sanctioned posts of Medical Officers under DPS in the SVHMC. Hence they will be treated as supernumerary staff to be considered for future vacancies as and when sanctioned
- 5. The lists of teaching and non-teaching staff in the SVHMC approved for Direct Payment System as per various Government Orders issued earlier based on the Agreement with the

management stand cancelled with immediate effect. Only those employees of Sree Vidhyadhiraja Homoeo Medical College as included in the lists as per para 3 (ii) and (vi) above will be eligible for payment of salary by the Government as per the Direct Payment System. agreement, with effect from the date of this order. The date of effect shown in the staff fixation list in the Annexure will be notional. Cash payment as per the Scales of pay sanctioned will be made from the date of this order only. Payment of arrears if any applicable will be considered separately by the Government later.

- 6 Orders as above will be subject to corrections based on the objections if any, to be received within 15 days of this order and which may be reviewed by the Government based on documentary evidence. The seniority fixed and appointments made as per this order will be provisional and subject to verification of any claims/counter claims received within 15 days as above.

(By Order of the Governor)

Dr. VISHWAS MEHTA
(Secretary to Government)

To

The Registrar, University of Kerala, Thiruvananthapuram (with C.L.)
The Principal, Shree Vidhyadhiraja Homoeopathic Medical College, Nemom
The Secretary, Vidhyadhiraja Vidhya Samajam Trust, Nemom
The Principal & Controlling Officer, Government Homoeopathic Medical College, Trivandrum
The Principal Accountant General (Audit), Kerala, Trivandrum
The Accountant General (A&E), Kerala, Trivandrum
The District Treasury Officer, Trivandrum
The Persons Concerned (Through Principal & Controlling Officer, Govt. Homoeopathic Medical College, Thiruvananthapuram)

Finance Department
Stock File/Office Copy

Forwarded/By Order

Section Officer

Copy to : Private Secretary to Minister (Health and Social Welfare)
P.A. to Secretary (Health)
C.A. to Joint Secretary (Health)

Annexure to G.O.(MS)No.346/2008/H&FWD dated 09/07/2008

Table - 1: SVHMC, Nemom - Provisional List of Teaching Staff appointed under DPS

Sl No	Name of the Employee/ Department	Post/Dept against which appointed	Date of effect	Scale of Pay
1	Principal			
Department of Anatomy				
2	1. Dr. Santhosh Kumar. R	Tutor	17.11.2003	7800-12975
3	2. Dr. S. Deepthi	Tutor	20.12.2003	7800-12975
4	3. Dr. Smitha A. S	Tutor	01.01.2004	7800-12975
Department of Physiology				
5	1. Dr. Sreegopal	Tutor	01.09.2002	7800-12975
6	2. Dr. Thara P	Tutor	09.10.2003	7800-12975
7	3. Dr. Sreelatha M. S	Tutor	03.11.2003	7800-12975
Department of Organon of Medicine				
8	1. Dr. Rekha Rajagopalan	Tutor	09.12.2002	7800-12975
9	2. Dr. Bindu B. R.	Tutor	09.12.2002	7800-12975
10	3. Dr. Leeba Mary Joshua	Tutor	05.11.2003	7800-12975
Department of Pharmacy				
11	1. Dr. Leena Girish	Tutor	02.12.2002	7800-12975
12	2. Dr. Veena S. K	Tutor	20.11.2003	7800-12975
Department of Materia Medica				
13	1. Dr. G. Somasekharan Pillai	Lecturer	01.09.2002	7800-12975
14	2. Dr. Usha G	Tutor	01.09.2002	7800-12975
15	3. Dr. Smitha M	Tutor	10.01.2003	7800-12975
16	Dr. Seena S	Tutor	19.09.2003	7800-12975
Department of Pathology				
17	Dr. Reghu D	Tutor	11.12.2002	7800-12975
18	Dr. Bindhu Lekshmi C	Tutor	09.10.2003	7800-12975
Department of Forensic Medicine				
19	Dr. Biju Raj	Tutor	20.09.2003	7800-12975
20	Dr. Regha Gopinathan	Tutor	05.11.2003	7800-12975
Department of Practice of Medicine				
21	Dr. K. Rajeev	Lecturer	01.09.2002	10000-15150
21 a	Dr. Soumya I Nair	Tutor	01.05.2008 vice Dr Rajeev retired	7800-12975
22	Dr. L. Tara	Tutor	01.09.2002	7800-12975
23	Dr. Ranjith K. R.	Tutor	19.09.2003	7800-12975
Department of Surgery				
24	Dr. Sujith C. V.	Tutor	29.09.2003	7800-12975
25	Dr. Letha L	Tutor	13.11.2003	7800-12975

Department of Obstetrics & Gynaecology

26	Dr. P. Remadevi	Tutor	01.09.2002	7800-12975
27	Dr. Lekshmi D	Tutor	29.10.2003	7800-12975

Department of Community Medicine (SPM)

28	Dr. Sindhu R	Tutor	15.12.2003	7800-12975
29	Dr. Darsana Balakrishnan	Tutor	09.01.2004	7800-12975

Department of Case Taking & Repertorisation

30	Dr. Shailaja K. Nair	Lecturer	01.09.2002	7800-12975
31	Dr. Shalini G. Unnithan	Tutor	27.11.2002	7800-12975

* The effective strength of Tutors will be 28. Dr. Rajeev retired from service on 30.04.2008 on superannuation and consequently one post of Lecturer occupied by him is temporarily downgraded as Tutor and Dr. Soumya I Nair is appointed against that post w.e.f. 01.05.2008.

Table - 2: SVHMC, Nemom - Provisional List of Excess Teaching Staff

Sl. No.	Name of the Employee	Date of Joining/Seniority
1	Dr. Nayana C. J	05.02.2004
2	Dr. Rekha K	12.03.2004
3	Dr. Razanathu F	22.03.2004 (qualification date)
4	Dr. Shiny Mathew	02.04.2004
5	Dr. Mini Devi L	07.04.2004
6	Dr. Sareesh S	28.06.2004
7	Dr. Rekha Chandran R	05.08.2004
8	Dr. Suresh Kumar P. V.	18.08.2004
9	Dr. Shajitha Beegum	27.06.2005
10	Dr. Krishnakumar M	18.08.2005
11	Dr. Usha K. N	03.12.2005

Table - 3: SVHMC, Nemom - Provisional List of Non-teaching Staff appointed under DPS

Sl. No.	Name	Present Post	Post in which fixed & Date of Effect	Scale of Pay
1	Smt. Shailaja Kumari Thankachi	Junior Supdt (Temporarily downgraded as LD Clerk due to lack of qualified hands for promotion)	L.D.C. w.e.f. 01.09.2002 (Retired on 30.04.2004)	3050-5230
2	Shri. P. Sasikumar	LD Clerk	L.D.C. w.e.f. 01.09.2002 (Retired on 28.02.2005)	3050-5230
3	Smt. E. Geetha Devi	LD Clerk	L.D.C. w.e.f. 01.09.2002 (Retired on 31.05.2005)	3050-5230

4	Shri P. R. Radhakrishnan Nair	LD Clerk	LDC w.e.f 01.09.2002	3050-5230
5	Shri Hanprasad C. R.	LD Clerk	LDC w.e.f 01.09.2002	3050-5230
6	Smt. Omana Kumari K	LD Clerk	LDC w.e.f 01.09.2002	3050-5230
7	Shri. P. B. Sreeni	LD Clerk	LDC w.e.f 01.05.2004 (Retirement vacancy of Smt Shailaja Kumari Thankachi)	3050-5230
8	Smt. Sunanda Kumari	LD Typist	LD Typist w.e.f 01.09.2002	3050-5230
9	Smt. Sangeetha G. S	LD Typist	LD Typist w.e.f 01.09.2002	3050-5230
10	Y. Japamony	Peon Grade - II	Peon Grade - II w.e.f 01.09.2002	2610-3680 Retired on 30.08.2007
11	Smt. Indulekha B	Peon Grade - II	Peon Grade - II w.e.f 01.09.2002	2610-3680
12	Shri. Sreekantan Nair M	Watcher Grade- II	Watcher Grade - II w.e.f 01.09.2002	2610-3680
13	Shri. R. Balakrishnan	Watcher Grade- II	Watcher Grade - II w.e.f 01.09.2002	2610-3680
14	Smt. Girija Kumari O	Sweeper/Cleaner (part-time basis)	PTS w.e.f 01.09.2002	1500+DA
15	Smt Omana P	Sweeper/Cleaner (part-time basis)	PTS w.e.f 01.09.2002	1500+DA
16	Shri. Anil Kumar K	Sweeper/Cleaner (part-time basis)	PTS w.e.f 01.09.2002	1500+DA
17	Smt. L. Ambika Devi	Librarian Grade - IV	Librarian Grade - IV w.e.f 01.09.2002	3590-5400
18	Smt. R. Jayasree	Library Assistant Grade - II	Library Assistant Grade - II w.e.f 01.09.2002	2650-4150
19	Smt. Joymol A	Laboratory Technician	Laboratory Technician w.e.f 01.01.2007	4000-6090
20	Smt. Binsha B. R	Laboratory Technician	Laboratory Technician w.e.f 05.01.2007	4000-6090

21	Shri. Mohanan Nair P	Laboratory Attender Grade - II	Laboratory Attender Grade - II w.e.f. 01.09.2002 (Retired on 30.06.2004)	2650-4150
22	Shri. Chandran B	Laboratory Attender Grade - II	Laboratory Attender Grade - II w.e.f. 01.09.2002	2650-4150
23	Smt. Geetha Devi V S	Laboratory Attender Grade - II	Laboratory Attender Grade - II w.e.f. 01.07.2004 (In the vacancy caused by the retirement of Shri. Mohanan Nair)	2650-4150
24	Shri. C. Vinayakumar	Specimen Collector Grade - II	Specimen Collector Grade - II w.e.f. 01.11.2002	2650-4150
25	Shri. Gireesh Kumar A	Specimen Collector Grade - II	Specimen Collector Grade - II w.e.f. 08.06.2004	2650-4150
26	Shri. Madhukumar	Driver (HMV)	Driver HMV w.e.f. 01.06.2003	3050-5230

Table - 4: SVHMC, Nemom - Provisional List of Excess Non-teaching Staff

a) Excess Staff in the Clerical Cadre (LDC)

Sl. No.	Name
1	Smt. Anjali Devi R.M
2	Smt. A. Baby
3	Smt. Sindhu Priya L. R
4	Smt. Sree Lekha
5	Smt. Lekha G. Nair
6	Smt. Vimala Devi V *
7	Smt. Raihana A *
8	Shri. Gopikrishnan Nair M
9	Smt. Reshmi M. R
10	Shri. Arun Krishna K. S.
11	Smt. Gayathri A. S
12	Shri. Praveen S. U
13	Smt. Sreeja A

* Sl. No. 6 & 7 subject to final decision on their complaints

b) Excess Post in the LD Typist Cadre

1 Shri. Krishnakumar G

c) Excess Post in the Cadre of Laboratory Attender Grade - II

1 Smt. Jayakumari D

d) Excess Post in the Cadre of Sweeper/Cleaner on Part-time basis

Sl. No.	Name
1	Smt. Sasikala S. R
2	Smt. Manju S
3	Shri. Suresh Kumar V
4	Smt. Maya Devi S
5	Shri. Sunil Kumar N
6	Shri. Jayakumar R
7	Shri. Sajan K. V
8	Smt. Ajitha Kumari V
9	Shri. Nanukuttan S
10	Shri. Padmakumar
11	Smt. Jayanthi S

* 28

* 30

Table - 5: SVHMC, Nemom - List of Excess Staff not qualified to be included as teaching staff as per CCH Norms.

- Dr. Kaleshkumar M.
- Dr. Zacharia George
- Dr. Shailendrakumar
- Dr. Rajalekshmy Kunjamma

The decision about St.No. (i) & (ii) above will be subject to the final judgment on the Writ Petition filed by them in the High Court.

R. G. S. D.



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department – Homoeopathic Medical Education – Establishment – Shree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram – Staff fixation under Direct Payment System – Appointments of Teaching and Non-teaching staff – Regularised Orders issued.

HEALTH & FAMILY WELFARE (J) DEPARTMENT

G.O.(MS)No. 376/2009/H&FWD

Dated, Thiruvananthapuram, 30/10/2009.

- Read:-
1. GO (Ms) No. 184/2003/H&FWD dated 03/09/03.
 2. GO (Ms) No. 203/06/H&FWD dated 22/09/06.
 3. GO (Ms) No. 346/2008/H&FWD dated 09/07/08.
 4. Letter No. 2238/C1/08/GHMCT dated 28/4/09 from the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.
 5. G.O(Rt). No. 648/09/H&FWD dated 07/03/09.
 6. G.O(Rt). No. 1309/09/H&FWD dated 16/05/09.
 7. G.O(Rt). No. 1524/09/H&FWD dated 03/6/09.
 8. G.O(Rt). No. 1628/09/H&FWD dated 12/06/09.

ORDER

As per the G.O read as 3rd paper above Government have fixed provisionally the teaching and the non-teaching staff of Shree Vidyadhiraja Homoeopathic Medical College, Nemom.

2. In para 6 of the above Government Order it has been ordered that the orders issued therein would be subject to correction based on the objections, if any, to be received within 15 days of the order and which would be reviewed by Government based on the documentary evidence. It had also been ordered in the above Government Order that the seniority fixed and appointments made would be provisional and subject to verification of any claim/counter claims received within 15 days as stated above.

3. In pursuance of the above order Government have received the 66 number of objections the details of which are given in Annexure I to this G.O.

4. Government have examined the above objections in the light of the report/remarks furnished thereon by the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram as per his letter read as 4th paper above and are pleased to issue the following orders:-

- 2
- (i) Direct Payment System was introduced in Shree Vidyadhiraja Homoeopathic Medical College, Nemom as per the Government Order read as 1st paper above. It has specifically been ordered in the above Government Order, that Direct Payment System is not applicable to the staff of the Hospital attached to Shree Vidyadhiraja Homoeopathic Medical College. Hence the objections filed by the staff of the Hospital are not sustainable and hence they are rejected.
 - (ii) In the case of the objections filed by Dr. S. Suseela Kumari, Principal (Rtd), Shree Vidyadhiraja Homoeopathic Medical College, Dr. G. Radhakrishnan, Vice Principal (Rtd), Shree Vidyadhiraja Homoeopathic Medical College and Smt. K. Kamamma, Pharmacist (Rtd), Shree Vidyadhiraja Homoeopathic Medical College, Government have already examined their case as per the directions of the Hon'ble High Court and rejected their claims as per the Government Order read as 8th paper above. Similarly, the claim of Dr. Rajalekshmi Kunjamma, Resident Medical Officer, Shree Vidyadhiraja Homoeopathic Medical College Hospital was also examined and rejected by Government as per the G.O read as 5th paper above. Hence the further objections submitted by the above persons do not merit consideration and hence they are rejected.
 - (iii) Regarding the objections filed by Sri. S.V. Sai Prasad, Smt. J. Mayakumari and B. Sreelatha, all L.D. Clerks of Shree Vidyadhiraja Homoeopathic Medical College, Government have issued orders appointing them under Direct Payment System and rearranging their seniority vide Government Order read as 7th paper above. Hence no further consideration requires on the objections filed by them.
 - (iv) Regarding of Dr. Thara. P, Tutor and Dr. Sreelatha. M.S, Tutor, their request for reassigning their seniority will be examined by Government separately with respect to their date of joining after issuing notice to the teachers in all department who may be affected by the change. The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram will issue notice to all concerned and forward his remarks/report thereon to Government for consideration and orders within one month from the date of this order.
 - (v) As regards the objections about the seniority of Dr. Latha. L, Tutor, the fact remains that her date of joining in the college is 13.11.2003 as per the list submitted by the Manager and the Principal of the College and the same was accepted by the Government vide G.O read as 2nd paper above. Hence she is eligible for regular appointment under Direct Payment System from the original date of her joining i.e 13.11.2003. However, her period of LWA for study purpose from 14.11.03 to 16.6.04 will not be reckoned for any service benefits including for promotion to next grade, as per KSR.
 - (vi) Dr. Nayana. C.J, Tutor, included as rank no.1 in the excess list of teaching staff as per Table 2 of the G.O read as third paper above is appointed as Tutor in the Department of Materia Medica under Direct Payment System and accommodated against the vacancy of Lecturer created by the retirement of Dr. Somasekharan Pillai, Principal-in-charge. She will be eligible for confirmation in the Tutor post as and when the senior most

Tutor in the service is promoted as Lecturer and a regular vacancy of Tutor is created.

- (vii) As regards the request from Smt. Raihana, L.D. Clerk, her initial appointment was in the College Hospital on 02/04/1997 as L.D. Clerk. She is said to have been promoted as U.D. Clerk by the management with effect from 01/04/2002 and posted in the Shree Vidyadhiraja Homoeopathic Medical College. Her service as L.D. Clerk in the hospital was not considered for staff fixation, since Direct Payment System was not applicable to the hospital staff. Hence her date of posting in the Shree Vidyadhiraja Homoeopathic Medical College, i.e. 01/04/2002 was taken into account for fixing the staff position and she was placed in the excess staff list. The initial appointments of Smt. Omanakumari. K, Smt. J. Maya Kumari and Sri. Sai Prasad were in the College itself, as per the records available. Serial No. 1-5 of Annexure in the Table 4 in the G.O read as 3rd paper above were appointed in the college after the appointment of Smt. Vimala Devi. V and Smt. Raihana. A. As such the latter are eligible to be included as Sl. No. 1 & 2 respectively in the excess staff list of non teaching staff (LDC).

Hence the seniority position of excess staff (LDC) in Table 4 of the Annexure in the G.O read as third paper is modified as below:-

<u>Sl. No</u>	<u>Name</u>
1.	Smt. Vimala Devi. V
2.	Smt. Raihana.A
3.	Smt. Lekha. G. Nair
4.	Smt. Anjali Devi. R.M
5.	Smt. A. Baby
6.	Smt. Sindhu Priya. L.R
7.	Smt. Sreelekha

- (viii) The names given in Sl. No. 5 and Sl. No. 10 in Table 4(d) in the Annexure to the G.O read as third paper shall be corrected and read as "Sri. Sunil Kumar. V" and "Sri. Padmakumar, V.S" respectively.
- (ix) The names occurred as "Smt. Binsha. B.R" (Sl. No. 20) and "Sri. Girish Kumar" (Sl. No. 25) in the Table 3 of Annexure to the G.O read as third paper above shall be corrected and read as "Shri. Binsha. B.R" and "Sri. Girish Kumar. B" respectively.
- (x) Regarding the objections to paragraph 3 (iv) of the G.O read as third paper, it is clarified that common seniority as per the dates of joining of teaching staff will be reckoned for fixing eligibility for promotion from Tutor grade to Lecturer grade, as a temporary measure, to provide maximum chance for appointing the excess teaching staff waiting for regularization. Departmental seniority will be considered for promotion in future after all

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the persons currently included in the excess list of teaching staff are accommodated in the vacancies to arise in future in any department. Further, even if a teacher is appointed as Tutor under Direct Payment System in a department where he/she has no teaching experience, he/she will be permitted to take classes in the department, where he/she has given option and will be considered for regularization in that department as and when a regular vacancy arises in that department.

- (xi) It is reported that the names of Smt. Joymol. A and Sri. Binsha. B.R, appointed as Lab Technicians in the staff fixation order were not included in the staff fixation list furnished by the management and the Principal on 26.4.2007. It has been alleged that no such persons were working in the college when the staff fixation issue was discussed and that inclusion of their names in the approved staff fixation list of non-teaching staff in the college was a mistake. Since the management has appointed them after the signing of Direct Payment System agreement and furnishing of original list of employees to the Government, their appointment will be against the conditions in the Direct Payment System regarding recruitment of non-teaching staff. Under these circumstances, the appointment of Smt. Joymol. A and Sri. Binsha. B.R as Lab Technicians by including their names in the staff fixation list approved vide G.O dated 9.7.2008, is liable to be cancelled. Notice will be issued to them by the Principal & Controlling Officer with copies to the Manager of the College about the intent to cancel their provisional appointment under Direct Payment System, in view of the defects found and asking them to give explanation if any, in the matter within 15 days. The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram will forward their replies to the notices along with his specific remarks thereon to Government. Government will issue appropriate orders after considering their explanations.

5. In view of above, Government are pleased to regularize the appointment of 32 numbers of teaching staff and 27 numbers of non-teaching staff under Direct Payment System in the Shree Vidyadhiraja Homoeopathic Medical College, as per the revised list given as Annexure II and III.

a) The staff pattern of Shree Vidyadhiraja Homoeopathic Medical College, Nemom was prepared as per the G.O read as 2nd paper above, according to which there are 31 posts of teaching staff and 25 posts of Non-teaching staff. Till staff fixation was done, Government had allowed the status quo and the staff were allowed to draw salary at the rate at which they were paid for the month of 8/02. As per the staff fixation ordered above, there are 12 Academic Departments, as follows:-

- (1) Anatomy
- (2) Physiology
- (3) Organon of Medicine
- (4) Pharmacy
- (5) Materia Medica
- (6) Pathology

- (7) Forensic Medicine
- (8) Practice of Medicine
- (9) Surgery
- (10) Obstetrics and Gynecology
- (11) Community Medicine and
- (12) Case Taking and Repertorisation

b) One post each in the cadre of Professor, Reader, Lecturer and Tutor was created in the Department of Materia Medica and one post each in the cadre of Reader, Lecturer and Tutor was created in the Departments of Anatomy, Physiology, Organon of Medicine and Practice of Medicine. In the remaining departments one post each in the Lecturer and Tutor grades was created. There is also a sanctioned post of Principal in the college.

c) However while approving staff fixation of the Shree Vidyadhiraja Homoeopathic Medical College, Nemom as per the G.O read as third paper above (GO (MS) No. 346/08/H&FWD dated 9/7/08) appointment was made the three posts of Lecturers and 27 posts of Tutor as per the seniority of the teachers. Some of the teaching staff have represented that their position (designation) as on the date of the introduction of the Direct Payment System in the Shree Vidyadhiraja Homoeopathic Medical College, should be protected. The higher teaching posts of Professor, Reader and Lecturer sanctioned were temporarily downgraded as Tutor posts vide GO (Ms) No. 346/2008/H&FWD dated 09.07.2008 to accommodate maximum teachers in the entry cadre of Tutors for regularization, under the Direct Payment Scheme. Since the service prior to the introduction of Direct Payment System will not be counted for service benefits including promotions, the request of the teachers to protect their previous, grades/designation cannot be accepted.

6. In the circumstances, the teachers now regularized in the Lecturer grade will be considered for promotion as Readers on completion of the required period of service as Lecturer as per Special Rules for Kerala Homoeopathy Medical Education Service 2001, by suitably upgrading their posts to Reader grade, provided the higher posts were sanctioned originally. Similarly, teachers who were regularized as Tutors will be considered for promotion as Lecturers based on their common seniority as per date of joining on completion of the required period of service as per the above Special Rules by upgrading their posts as Lecturers, subject to the total number of Lecturer posts thus created by upgradation not exceeding the number originally sanctioned vide GO (Ms) No. 203/2006/H&FWD dated 22.09.06. Teachers included under Direct Payment System and who have since retired will also be considered for notional promotion as per rules. However, promotions shall be done only after the first appointment of the teachers is got approved by the Kerala University as per the provisions regarding approval of appointment of private aided college teachers contained in the Kerala University Act, 1974.

7. Similarly, the promotions of non-teaching staff included in the Direct Payment System to the existing/arising vacancies in the sanctioned posts in the college and appointment of new persons from the excess list based on seniority, will be considered by the Management as per rules and subject to approval of the Government.

8. The Principal & Controlling Officer will take up with the Registrar, University of Kerala the question of approval of the appointment of teaching staff made in the G.O read as third paper above.

9. All the objections as per Annexure I filed to the G.O read as third paper except those not specifically accepted above by the Government are rejected and the petitions are disposed of accordingly.

10. The orders issued in the G.O read as third paper above stand modified to the above extend.

(By order of the Governor)

Dr. USHA TITUS
Secretary to Government

To

The Registrar, University of Kerala, Thiruvananthapuram (With CL)
The Principal, Shree Vidyadhiraja Homoeopathic Medical College, Nemom.
The Secretary, Shree Vidyadhiraja Vidya Samajam Trust, Nemom.
The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The District Treasury Officer, Thiruvananthapuram.
The Finance Department.
SF/OC.

Copy to: PS to Minister (H&SW)
PA to Secretary (Health)

Forwarded/By Order



Section Officer

ANNEXURE I

OBJECTIONS RECEIVED FROM THE STAFF OF SVRHMC

Sl. No.	Name and Designation	Remarks
1.	Dr. Krishna Kumar. M (No designation)	
2.	Dr. P. Ramadevi, Professor and HOD	
3.	Dr. Nayana. C.J, Tutor	
4.	Dr. Suseela Kumari, Principal (Rtd)	Retired on 30.06.2007
5.	Dr. Rekha. K, Tutor	
6.	Dr. G.N. Sailendra Kumar, Resident Medical Officer	
7.	Dr. G. Radhakrishnan, Vice Principal (Rtd)	Retired on 30.06.07
8.	Dr. B. Jayaprakasini, Professor (Rtd)	Retired on 30.06.07
9.	Smt. Razanathu. F. Resident Medical Officer, Lecturer	
10.	Dr. Biju Raj, BHMS, Department of Forensic Medicine	
11.	Dr. Santhosh Kumar. R, Reader, Department of Anatomy	
12.	Dr. S. Sareesh, Tutor	
13.	Dr. T.P. Sankarankutty Nair, Secretary, SVVS, Nemom	
14.	Dr. S. Velappan Pillai, Professor and Vice Principal (Rtd)	Retired on 04.08.2005
15.	Dr. G. Sreegopal, Tutor	
16.	Dr. Thara. L, Reader, Department of Practice of Medicine	
17.	Dr. Rajalekshmi Kunjamma, Resident Medical Officer	
18.	Dr. Rekha. C, Tutor, Department of Materia Medica	
19.	Dr. P. Meena, Medical Officer, Tutor .	relieved from service on 07.05.05
20.	Dr. G. Somasekharan Pillai, Professor and HOD, Department of Materia Medica	Retired on 30.04.06
21.	Dr. Thara. P, Tutor	
22.	Dr. P.N. Krishna Pillai, Secretary, SVVS	

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23.	Dr. Sreelatha. M.S, Tutor	
24.	Dr. V. Krishna Kumar, Medical Officer	
25.	Dr. U. Krishna Kumar, Medical Officer	
26.	Dr. Sini. S. Das, Medical Officer	
27.	Dr. P. Umayamma, Medical Officer	
28.	Dr. Krishna Kumar, Tutor, Pathology Wing	
29.	Smt. Girija Kumari. O, Lab Attender	
30.	Sri. P.N. Krishna Pillai, Secretary and Manager	
31.	Smt. J. Mayadevi. L.D, Clerk	
32.	Smt. B. Sreelatha, L.D. Clerk	
33.	Sri. S. V. Saiprasad, L.D. Clerk	
34.	Sri. K. Anil Kumar, Store Assistant (Peon)	
35.	Sri. Krishna Kumar. G, LD typist	
36.	Para Medical Staff	
37.	Smt. Prabeena. C.V, Nurse	
38.	Smt. Sreedevi. V.R, Nursing Assistant	
39.	Smt. Sreelatha. L, L.D. Clerk	
40.	Smt. A.S. Gayathri. L.D. Clerk	
41.	Sri. V. Sunil Kumar,	
42.	Smt. M.R. Resmi. L.D. Clerk	
43.	Smt. Lekha G. Nair, L.D. Clerk	
44.	Smt. R.M. Anjalidevi. L.D. Clerk	
45.	Sri. Padmakumar. V.S (Excess post in the cadre of Sweeper/Cleaner)	
46.	Smt. S. Manju, Sweeper	
47.	Smt. Sindhupriya. L.R, L.D. Clerk	

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48.	Smt. A. Baby, L.D. Clerk	
49.	Smt. Uma. S, Nurse	
50.	Smt. Jayakumari. D, Lab Attender	
51.	Smt. Jayasree. R, Lab Assistant	
52.	Smt. S. L. Leena, L.D. Clerk	
53.	Sri. Gopikrishnan Nair. M, L.D. Clerk	
54.	Smt. Vimaladevi. V, L.D. Clerk	
55.	Smt. V. Ajitha Kumari, Sweeper	
56.	Smt. Sasikala. S.R, Part Time Sweeper	
57.	Sri. Praveen. S.U, L.D. Clerk	
58.	Sri. B.R. Binshah, Lab Technician	
59.	Sri. P.R. Radhakrishnan Nair, Junior Superintendent	
60.	Sri. Gopan. B	
61.	Sri. Suresh Kumar. V, Peon	
62.	Sri. Girish Kumar. B, Specimen Collector, Department of Pharmacy	
63.	Smt. J. Mayakumari, L.D. Clerk	
64.	Smt. A. Raihana, U.D. Clerk	
65.	Sri. P. Padmakumar, Store Keeper (on leave)	
66.	Dr. L. Latha, Tutor	

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ANNEXURE II

SVHMC, Nemom –Teaching Staff appointed under DPS now regularised

Sl. No.	Name of the Employee/ Department	Post/Dept against which appointed	Date of effect	Scale of Pay
Department of Anatomy				
1.	Dr. Santhosh Kumar. R	Tutor	17.11.2003	7800 - 12975
2.	Dr. S. Deepthi	Tutor	20.12.2003	7800 - 12975
3.	Dr. Smitha. A.S	Tutor	01.01.2004	7800 - 12975
Department of Physiology				
4.	Dr. Sreegopal	Tutor	01.09.2002	7800 - 12975
5.	Dr. Thara. P	Tutor	09.10.2003	7800 - 12975
6.	Dr. Sreelatha. M.S	Tutor	03.11.2003	7800 - 12975
Department of Organon of Medicine				
7.	Dr. Rekha Rajagopalan	Tutor	09.12.2002	7800 - 12975
8.	Dr. Bindu. B.R	Tutor	09.12.2002	7800 - 12975
9.	Dr. Leeba Mary Joshua	Tutor	05.11.2003	7800 - 12975
Department of Pharmacy				
10.	Dr. Leena Girish	Tutor	02.12.2002	7800 - 12975
11.	Dr. Veena. S.K	Tutor	20.11.2003	7800 - 12975
Department of Materia Medica				
12.	Dr. G. Somasekharan Pillai	Lecturer	01.09.2002 (retired on 30/04/2009)	10000 - 15150
13.	Dr. Usha. G	Tutor	1.09.2002	7800 - 12975
14.	Dr. Smitha. M	Tutor	10.01.2003	7800 - 12975
15.	Dr. Seena. S	Tutor	19.09.2003	7800 - 12975
Department of Pathology				
16.	Dr. Reghu. D	Tutor	11.12.2002	7800 - 12975
17.	Dr. Bindu Lekshmi. C	Tutor	09.10.2003	7800 - 12975
Department of Forensic Medicine				
18.	Dr. Biju Raj	Tutor	20.09.2003	7800 - 12975
19.	Dr. Rekha Gopinathan	Tutor	05.11.2003	7800 - 12975
Department of Practice of Medicine				
20.	Dr K. Rajeev	Lecturer	01.09.2002	10000 - 15150
21.	Dr. L. Thara	Tutor	01.09.2002	7800 - 12975
22.	Dr. Ranjith. K.R	Tutor	19.09.2003	7800 - 12975

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Department of Surgery				
23.	Dr. Sujith. C.V	Tutor	29.09.2003	7800 - 12975
24.	Dr. Letha. L	Tutor	13.11.2003	7800 - 12975
Department of Obstetrics & Gynaecology				
25.	Dr. P. Remadevi	Tutor	01.9.2002	7800 - 12975
26.	Dr. Lekshmi. D	Tutor	29.10.2003	7800 - 12975
Department of Community Medicine(SPM)				
27.	Dr. Sindhu. R	Tutor	15.12.2003	7800 - 12975
28.	Dr. Darsana Balakrishnan	Tutor	09.01.2004	7800 - 12975
Department of Case Taking & Repertorisation				
29.	Dr. Shaijala. K. Nair	Lecturer	01.09.2002	10000 - 15150
30.	Dr. Shalini. G. Unnithan	Tutor	27.11.2002	7800 - 12975
31.	Dr. Soumya I. Nair	Tutor, Department of Practice of Medicine	01.05.2008 vice Dr. Rajeev retired	7800 - 12975
32.	Dr. Nayana. C.J	Tutor, Department of Materia Medica vice Dr. Somasekharan Pillai (Rtd)	01.05.2009	7800 - 12975

The effective strength of Tutors will be 29. Dr. Somasekharan Pillai retired from service on 30.04.2009 and consequently Dr. Nayana. C.J is appointed as Tutor with effect from 01.05.2009 and accommodated against the post of Lecturer with effect from 01/5/2009.

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ANNEXURE III

SVHMC, Nemom -Non-teaching Staff appointed under DPS now regularised

Sl. No	Name	Post in which appointed & Date of effect	Scale of pay
1.	Smt. Shylajakumari OThankachy	L.D.C w.e.f. 1.9.2002 (Retired on 30.04.2004)	3050-5230
2.	Sri. P. Sasikumar	L.D.C w.e.f. 1.9.2002 (Retired on 28.02.2005)	3050-5230
3.	Smt. E. Geethadevi	L.D.C w.e.f. 1.9.2002 (Retired on 31.05.2005)	3050-5230
4.	Sri. P.R. Radhakrishnan Nair	L.D.C w.e.f. 1.9.2002	3050-5230
5.	Sri. Hariprasad. C.R	L.D.C w.e.f. 1.9.2002	3050-5230
6.	Sri. S.V. Saiprasad	L.D.C w.e.f. 1.9.2002	3050-5230
7.	Smt. Sreelatha. B	L.D.C w.e.f. 1.9.2002	3050-5230
8.	Smt. Mayakumari. J	L.D.C w.e.f. 1.3.2005	3050-5230
9.	Smt. Omanakumari. K	L.D. Typist w.e.f. 1.9.2002	3050-5230
10.	Sri. P.B. Sreeni	L.D. Typist w.e.f. 1.9.2002	3050-5230
11.	Smt. Sunanda Kumari	L.D. Typist w.e.f 1.9.2002	3050-5230
12.	Smt. Sangeetha. G.S	L.D. Typist w.e.f 1.9.2002	3050-5230
13.	Y. Japamony	Peon Grade - II w.e.f 1.9.2002	2610-3680 Retired on 30.6.2007
14.	Smt. Indulekha.B	Peon Grade - II w.e.f 1.9.2002	2610-3680
15.	Sri. Sreckantan Nair. M	Watcher Grade- II w.e.f 1.9.2002	2610-3680

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16.	Sri. R. Balakrishnan	Watcher Grade- II w.e.f 1.9.2002	2610-3680
17.	Smt. Girija Kumari. O	Part time Sweeper w.e.f 1.9.2002	1500+DA
18.	Smt. Omana. P	Part time Sweeper w.e.f 1.9.2002	1500+DA
19.	Sri. Anilkumar. K	Part time Sweeper w.e.f 1.9.2002	1500+DA
20.	Smt. L. Ambika Devi	Librarian Grade - IV w.e.f 1.9.2002	3590-5400
21.	Smt. R. Jayasree	Library Assistant Grade - II w.e.f 1.9.2002	2650-4150
22.	Sri. Mohanan Nair. P	Laboratory Attender Grade - II w.e.f 1.9.2002 (Retired on 30.6.2004)	2650-4150
23.	Sri. Chandran. B	Laboratory Attender Grade - II w.e.f 1.9.2002	2650-4150
24.	Smt. Geetha Devi. V.S	Laboratory Attender Grade - II w.e.f 1.7.2004 (In the vacancy caused by the retirement of Sri. Mohanan Nair)	2650-4150
25.	Sri. C. Vinayakumar	Specimen Collector Grade - II w.e.f 1.11.2002	2650-4150
26.	Sri. Gireesh Kumar. A	Specimen Collector Grade - II w.e.f 8.6.2004	2650-4150
27.	Sri. Madhukumar.	Driver HMV w.e.f 1.6.2003	3050-5230

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ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ വിവിധ

വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിന് ബഹു: മുഖ്യമന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ

ബഹു: ആരോഗ്യവും കയറും വകുപ്പ് മന്ത്രിയുടെ സാന്നിധ്യത്തിലും

31.08.2011 - ന് കൂടിയ മീറ്റിംഗിന്റെ മിനിറ്റ്സ്.

ബഹു: മുഖ്യമന്ത്രിയുടെ കോൺഫറൻസ് ഹാളിൽ 9.45 - ന് മീറ്റിംഗ് ആരംഭിച്ചു. മാനേജ്മെന്റിനെ പ്രതിനിധീകരിച്ചെത്തിയ ശ്രീ. ആർ. രാമചന്ദ്രൻ നായരാണ് കോളേജിന്റെ നിലവിലെ പ്രശ്നങ്ങൾ അവതരിപ്പിക്കുവാൻ മുഖ്യമന്ത്രി ആദ്യ അവസരം നൽകി. കോളേജിന്റെ ഒരു ലഘുവായ ചിത്രം അവതരിപ്പിച്ചു കൊണ്ട് അദ്ദേഹം താഴെപ്പറയുന്ന കാര്യങ്ങൾ അവതരിപ്പിച്ചു. 1965 - ൽ തുടങ്ങിയ ശ്രീ വിദ്യാധിരാജ ഹോമിയോ കോളേജ് പഴമയുടെ കാര്യത്തിൽ കേരളത്തിൽ നിലവിലുള്ള അഞ്ച് ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജുകളിൽ രണ്ടാമത്തേതാണ്. 1989-90 - ൽ ഡിപ്ലോമ കോഴ്സ് അവസാനിപ്പിച്ച് ബിരുദ കോഴ്സ് തുടങ്ങാൻ സർക്കാർ നൽകിയ നിർദ്ദേശത്തെ തുടർന്ന് 2002 - ൽ എയ്ഡഡ് സ്ഥാപനമാക്കി മാറ്റി. 2001 - ൽ ബിരുദ കോഴ്സ് കോളേജിൽ തുടങ്ങുകയും 2005 - ഓടുകൂടി പൂർണ്ണമായ രീതിയിൽ കോളേജ് പ്രവർത്തിച്ചു തുടങ്ങുകയും ചെയ്തു. അക്കാലത്തെ ആരോഗ്യ വകുപ്പ് മന്ത്രിയായിരുന്ന ശ്രീ. തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ കോളേജിന്റെ പൂർണ്ണ നിലയ്ക്ക് പ്രവർത്തനത്തിനാവശ്യമായ സ്റ്റാഫിനെ നൽകുന്നതിന് പ്രൊപ്പോസൽ നൽകണമെന്ന് പ്രിൻസിപ്പൽ ആൻഡ് കൺട്രോളിംഗ് ഓഫീസറോട് ആവശ്യപ്പെട്ടുവെങ്കിലും ജീവനക്കാരുടെ എണ്ണം ഏറ്റവും കുറച്ചു കൊണ്ടുള്ള പ്രൊപ്പോസലാണ് പിന്തുണ നൽകിയത്. സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതി മാനദണ്ഡങ്ങൾ പാലിച്ചുകൊണ്ടുള്ള പ്രൊപ്പോസൽ നൽകുവാനായി 20.02.2006 - ൽ സർക്കാരിന് നിന്ന് നിർദ്ദേശം നൽകിയെങ്കിലും വീണ്ടും അപൂർണ്ണമായ പ്രൊപ്പോസലാണ് പിന്തുണ സർക്കാരിന് നൽകിയത്. ഈ കോളേജിന് സമാനമായി എയ്ഡഡ് മേഖലയിൽ പ്രവർത്തിക്കുന്ന ഡോ. പടിയാർ മെമ്മോറിയൽ ഹോമിയോപ്പതിക് കോളേജിന് അധ്യാപക വിഭാഗത്തിൽ 48 ഉം, അനധ്യാപക വിഭാഗത്തിൽ 50 ഉം തസ്തികകൾ അനുവദിച്ചു നൽകിയപ്പോൾ ഈ കോളേജിൽ അത് യഥാക്രമം 31 ഉം 25 ഉം ആണ്. 09.07.2008 - ലെ സ.ഉ. (എം.എസ്) നം. 346/2008/ആ.കു.വ. പ്രകാരം ടെക്നീഷ്യൻ തസ്തികയിൽ സ്ഥിരപ്പെടുത്തൽ ലഭിച്ച ശ്രീമതി. ബിൻഷ. ബിൻഷ. ശ്രീമതി. ജോയ്മോൾ. എ. എന്നിവരെ മാനേജ്മെന്റിന് അറിയില്ലെന്നും എംപ്ലോയ്മെന്റ്

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എക്സ്പോണ്ഡ് മുഖേന ജോലി ചെയ്തിരുന്ന അനർഹരായവരെ സർക്കാർ കോളേജിന്റെ സ്ഥിരം സ്റ്റാഫായി ഉൾപ്പെടുത്തുകയായിരുന്നുവെന്നും അദ്ദേഹം പറഞ്ഞു. ഹോമിയോ ബിരുദ വിദ്യാർത്ഥികൾക്ക് ക്ലിനിക്കൽ പ്രാക്ടീസ് വളരെ അത്യന്താപേക്ഷിതമായതിനാൽ കോളേജിനോടനുബന്ധിച്ചുള്ള ആശുപത്രി കൂടി സർക്കാർ ഏറ്റെടുത്ത് സി.സി.എച്ച്. പാറ്റേണിലുള്ള സ്റ്റാഫ് പാറ്റേൺ അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കേണ്ടതാണ്. മറ്റ് എയ്ഡഡ് ഹോമിയോ മെഡിക്കൽ കോളേജുകളിൽ സർക്കാർ ചെലവിൽ ആശുപത്രി നടത്തുന്നതിനാൽ ആ സൗകര്യം ഈ കോളേജിലും നൽകണമെന്ന് അദ്ദേഹം ആവശ്യപ്പെട്ടു. ഗവേണിംഗ് കൗൺസിൽ കൂടി കോളേജിലെ ജീവനക്കാരുടെ നിയമനം നടത്തുന്നതിനാവശ്യമായ നടപടികൾ സ്വീകരിക്കണമെന്ന് പി.സി.ഒ - യോട് 2002 - ൽ തന്നെ ആവശ്യപ്പെട്ടിരുന്നുവെങ്കിലും സ്റ്റാഫ് സ്ട്രെങ്ത് നിർണ്ണയിക്കുന്നത് വരെ നിലവിലെ സാഹചര്യം തുടരാവുന്നതാണെന്ന് പി.സി.ഒ. അറിയിച്ചതിനാലാണ് കൗൺസിൽ കൂടാതിരുന്നതെന്നും മാനേജ്മെന്റിന് ഈ വിഷയത്തിൽ എതിരഭിപ്രായം ഇല്ലായെന്നും അദ്ദേഹം അറിയിച്ചു. യൂണിവേഴ്സിറ്റി സ്റ്റാറ്റ്യൂട്ട് ഈ കോളേജുകൾക്കും ബാധകമായതിനാൽ ഓരോ പോസ്റ്റിലും നിയമനം ലഭിക്കുന്ന അധ്യാപകർ/അനധ്യാപകർ അതേ തസ്തികയിൽ തന്നെ തുടരേണ്ടതാണെന്നും അതിനാൽ തന്നെ സർക്കാർ ഉത്തരവുകൾ മുഖേന തസ്തികകൾ തരം താഴ്ത്തപ്പെടുന്നത് സ്റ്റാറ്റ്യൂട്ടിനെതിരാണ്. ഹോസ്പിറ്റൽ സ്റ്റാഫിന്റെ അംഗീകാരമുൾപ്പെടെ മുകളിൽ സൂചിപ്പിച്ച കാര്യങ്ങളിൽ സർക്കാർ അനുകൂല നിലപാട് കൈക്കൊള്ളണമെന്ന് അദ്ദേഹം ആവശ്യപ്പെട്ടു.

തുടർന്ന് എ.കെ.പി.സി.റ്റി.എ. ജനറൽ സെക്രട്ടറി സംസാരിച്ചു. 2002 - ൽ ഡി.പി.എസിൽ ഉൾപ്പെട്ട കോളേജിൽ, 09.07.2008 - ലെ സ.ഉ. (എം.എസ്) നം. 346/2008/ആ.കു.വ. പ്രകാരം സ്റ്റാഫ് സ്ട്രെങ്ത് നിർണ്ണയിച്ചു നൽകിയിട്ടുണ്ട്. ഇത് സി.സി.എച്ച്. മാനദണ്ഡങ്ങൾ അനുസരിച്ചല്ലായെങ്കിൽ സർക്കാർ ആ വിഷയം പരിശോധിക്കണം. എന്നിരുന്നാലും അനുവദിച്ചുകിട്ടിയിരിക്കുന്ന 31 അധ്യാപക തസ്തികകളിലേയും 25 അനധ്യാപക തസ്തികകളിലേയും ജീവനക്കാർക്ക് ശമ്പളം ലഭ്യമാക്കാത്തതിന് മാനേജ്മെന്റാണ് ഉത്തരവാദികളെന്നും തുടർന്ന് പുറപ്പെടുവിച്ച 30.10.2009 - ലെ സ.ഉ.(എം.എസ്) നം. 376/2009/ആ.കു.വ., 26.02.2011 - ലെ സ.ഉ.(എം.എസ്) നം. 137/2011/ആ.കു.വ. ഉത്തരവുകൾ അംഗീകരിക്കാത്തതിന് മാനേജ്മെന്റ് മറുപടി നൽകണമെന്നും അദ്ദേഹം ആവശ്യപ്പെട്ടു.

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മാനേജ്മെന്റുമായി ചർച്ച ചെയ്ത് പുറപ്പെടുവിക്കാത്ത പ്രസ്തുത ഉത്തരവുകൾ മാനേജ്മെന്റ് അംഗീകരിക്കില്ലായെന്ന് ശ്രീ. ആർ. രാമചന്ദ്രൻ നായർ മറുപടി നൽകി.

സി.സി.എച്ച്. പാറ്റേൺ അനുസരിച്ചുള്ള സ്റ്റാഫിനെ കോളേജിന് അനുവദിച്ചു നൽകണമെന്ന് വാദിക്കുന്നതിനോടൊപ്പം തന്നെ സി.സി.എച്ച്. ആവശ്യപ്പെടുന്ന അടിസ്ഥാന സൗകര്യങ്ങൾ പ്രസ്തുത കോളേജിനുണ്ടോയെന്ന കാര്യം ഒരു അധ്യയന വർഷം അഡ്മിഷൻ നടക്കാതെ പോയ സാഹചര്യത്തിൽ ചർച്ച ചെയ്യപ്പെടേണ്ടതാണെന്ന് എ.കെ.പി.സി.റ്റി.എ. യുടെ ആവശ്യത്തോട് സി.സി.എച്ച്. പ്രതിനിധിയായ ആശിഷ് ഗുപ്ത കോളേജിന്റെ അടിസ്ഥാന സൗകര്യങ്ങൾ തൃപ്തികരമാണെന്ന് വിലയിരുത്തിയിട്ടുണ്ടെന്ന മറുപടി നൽകി ശ്രീ. രാമചന്ദ്രൻ നായർ പ്രതികരിച്ചു.

തുടർന്ന് ജീവനക്കാരുടെ വിവിധ പ്രതിനിധികൾ സംസാരിച്ചു. സി.സി.എച്ച്. പാറ്റേൺ അനുസരിച്ച് സ്റ്റാഫ് സ്ട്രെങ്ത് നിർണ്ണയിക്കുന്നതിനോടൊപ്പം അടിസ്ഥാന സൗകര്യങ്ങളുണ്ടോയെന്ന് പരിശോധിക്കണമെന്ന് ഐ.എച്ച്.എം.എ. കേരള ഘടകത്തിന്റെ ജനറൽ സെക്രട്ടറി ആവശ്യപ്പെട്ടു. സർക്കാർ അംഗീകരിച്ച സ്റ്റാഫിന് ശമ്പളം നൽകുന്നതിനാവശ്യമായ നടപടി സ്വീകരിക്കണമെന്ന് കോളേജിലെ അംഗീകൃത സ്റ്റാഫിന്റെ പ്രതിനിധി ആവശ്യപ്പെട്ടു. വിവിധ സർക്കാർ ഉത്തരവുകൾ പ്രകാരം അധിക ജീവനക്കാരായി കണ്ടെത്തപ്പെട്ടവരെ 26.02.2011 - ലെ സ.ഉ. (എം.എസ്) 137/2011/ആ.കു.വ. ഉത്തരവ് നടപ്പിൽ വരുത്തി സ്ഥിരപ്പെടുത്തണമെന്ന് അവരുടെ പ്രതിനിധി ആവശ്യപ്പെട്ടപ്പോൾ കഴിഞ്ഞ ആറു വർഷമായി ശമ്പളം ലഭിക്കാതെ ആശുപത്രി ജീവനക്കാരായി ജോലി ചെയ്യുന്നവരുടെ കാര്യത്തിലും തീരുമാനം കൈക്കൊള്ളണമെന്ന് അവരുടെ പ്രതിനിധിയായി സംസാരിച്ച ശ്രീമതി. രാജലക്ഷ്മി കുഞ്ഞമ്മ ആവശ്യപ്പെട്ടു. സർക്കാർ പുറപ്പെടുവിച്ച രണ്ട് ശമ്പള പരിഷ്കരണ ഉത്തരവുകളുടെ ആനുകൂല്യം കോളേജിലെ ജീവനക്കാർക്ക് ലഭ്യമാക്കണമെന്ന ആവശ്യവും മീറ്റിംഗിലുയർന്നു.

സർക്കാർ ഈ കോളേജിനെ ഡി.പി.എസിന്റെ പരിധിയിൽ കൊണ്ടു വരുന്നതിനു മുൻപുള്ള ജീവനക്കാരുടെ സർവീസ്, ആനുകൂല്യങ്ങൾക്ക് പരിഗണിക്കുവാൻ കഴിയില്ലായെന്ന തീരുമാനം പുനഃപരിശോധിക്കണമെന്ന് ശ്രീ.വിദ്യാധിരാജ കോളേജിന്റെ ഡി.ഡി.ഒ. ആവശ്യപ്പെട്ടു.

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09.07.2008 - ലെ സ.ഉ. (എം.എസ്) നം. 346/2008/ആ.കു.വ.

പുറപ്പെടുവിച്ചതിനുശേഷം സർക്കാരിൽ ലഭ്യമായ 66 പരാതികൾ പരിഹരിച്ചാണ് 30.10.2009 - ലെ സ.ഉ.(എം.എസ്) നം. 376/2009/ആ.കു.വ. പുറപ്പെടുവിച്ചതെന്നും അതിനാൽ തന്നെ അത് അന്തിമ സ്റ്റാഫ് ഫിക്സേഷൻ ഉത്തരവായതിനാൽ അതിൽ ഉൾപ്പെടാത്ത സ്റ്റാഫിന്റെ ശമ്പളം നൽകാവുന്നതല്ലായെന്നും പ്രിൻസിപ്പൽ ആൻഡ് കൺട്രോളിംഗ് ഓഫീസർ വ്യക്തമാക്കി.

കോളേജ് മാനേജ്മെന്റ് ഗവൺമെന്റുമായി സഹകരിച്ച് പ്രവർത്തിക്കണമെന്നും അല്ലാത്ത പക്ഷം സർക്കാരിന് മറ്റ് മാർഗ്ഗങ്ങൾ തേടേണ്ടി വരുമെന്നും ആരോഗ്യ വകുപ്പിന്റെ പ്രിൻസിപ്പൽ സെക്രട്ടറി അഭിപ്രായപ്പെട്ടു. ഈ കോളേജ് ഒരു സാധാരണ സർക്കാർ കോളേജ് പ്രവർത്തിക്കുന്ന രീതിയിൽ പ്രവർത്തിക്കേണ്ടതാണെന്ന് അദ്ദേഹത്തിന്റെ അഭിപ്രായത്തോടെ എ.കെ.പി.സി.ടി.എ. പ്രതിനിധികൾ യോജിപ്പ് പ്രകടിപ്പിച്ചു. മാനേജ്മന്റ് സർക്കാർ ഉത്തരവുകൾ അനുസരിക്കണമെന്നും അദ്ദേഹം അഭിപ്രായപ്പെട്ടു. അംഗീകൃത അധ്യാപക അനധ്യാപകർക്ക് നിലവിലുള്ള സർക്കാർ ഉത്തരവുകൾ പ്രകാരം ശമ്പളം നൽകാവുന്നതാണെന്നും ആശുപത്രി സ്റ്റാഫിന്റെ അംഗീകാരം സംബന്ധിച്ച് സർക്കാർ നയപരമായ തീരുമാനം കൈക്കൊള്ളേണ്ടതാണെന്നും അദ്ദേഹം അഭിപ്രായം പ്രകടിപ്പിച്ചു. അതിനാൽ തന്നെ സി.സി.എച്ച് പാറ്റേൺ പരിശോധിച്ച് അത് പ്രകാരമുള്ള തസ്തികകളിലേക്ക് ഡി.പി.സി. കൂടി സ്ഥാനക്കയറ്റം നൽകിക്കൊണ്ട് പുതിയ തസ്തികകൾ ആവശ്യമെങ്കിൽ സൃഷ്ടിക്കുന്നതിന് ധനകാര്യ വകുപ്പുമായി ആലോചിക്കാവുന്നതാണെന്ന അഭിപ്രായം ആരോഗ്യ വകുപ്പ് പ്രിൻസിപ്പൽ സെക്രട്ടറി മുന്നോട്ടു വച്ചു. ~~ആരോഗ്യ വകുപ്പിന്റെ പ്രതിനിധികൾക്ക് വകുപ്പ് അതർ ഓഫ് സെക്ഷൻ മീറ്റിംഗിൽ പങ്കെടുത്തു.~~

ആരോഗ്യ വകുപ്പ് പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ മേൽ നിർദ്ദേശത്തോട് യോജിപ്പ് പ്രകടിപ്പിച്ച ബഹു: മുഖ്യമന്ത്രി സി.സി.എച്ച്. മാനദണ്ഡ പ്രകാരമുള്ള തസ്തികകൾ ഏതൊക്കെ വകുപ്പിലാണ് ആവശ്യമെന്നത് സംബന്ധിച്ച് സർക്കാർ പരിശോധിക്കുമെന്നും സർക്കാർ ഉത്തരവുകൾ പ്രകാരം അംഗീകരിക്കപ്പെട്ട ജീവനക്കാർക്ക് സെപ്റ്റംബർ മുതൽ ശമ്പളം നൽകാൻ കഴിയുന്ന തരത്തിൽ തീരുമാനം കൈക്കൊള്ളുമെന്നും അറിയിച്ചു. ഇത്തരത്തിൽ അധ്യാപക തസ്തികകളിലെ പരാതി പരിഹരിക്കപ്പെടുന്ന സാഹചര്യത്തിൽ ആശുപത്രി വിഭാഗം ജീവനക്കാരുടെ കർത്യം

പത്രോകമായി പരിശോധിക്കുമെന്നും അറിയിച്ചു. ഈ വിഷയത്തിൽ സമാഹരിക്കപ്പെട്ട വിവരങ്ങൾ കോൺഫറൻസിൽ ഉന്നയിക്കപ്പെട്ട വിഷയങ്ങളിലേയ്ക്കുള്ള തുടർ നടപടികളാണ് സർക്കാർ ഉദ്ദേശിക്കുന്നതെന്നും വ്യക്തമാക്കി. ഓണത്തിന് മുന്നോടിയായി മേൽപ്പറഞ്ഞ അംഗീകരിക്കപ്പെട്ട ജീവനക്കാർക്ക് ശമ്പളം സെപ്റ്റംബറിൽ തന്നെ നൽകുമെന്ന് പറഞ്ഞു കൊണ്ട് ബഹു. മുഖ്യമന്ത്രി ചർച്ച അവസാനിപ്പിച്ചു.

10.45 - ന് മീറ്റിംഗ് അവസാനിച്ചു.

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മീറ്റിംഗിൽ പങ്കെടുത്തവരുടെ പേരു വിവരങ്ങൾ അനുബന്ധമായും ഉൾക്കൊള്ളിക്കുന്നു.

യോഗ തീരുമാനങ്ങൾ

- (1) നിലവിലുള്ള സർക്കാർ ഉത്തരവുകൾ പ്രകാരം അംഗീകരിക്കപ്പെട്ട ഡയറക്ടർ പേയ്മെന്റ് സിസ്റ്റത്തിൽ ഉൾപ്പെടുന്ന എല്ലാ ജീവനക്കാർക്കും സെപ്റ്റംബർ മാസ മുതൽ മുടക്കമില്ലാതെ ശമ്പളം നൽകുവാൻ തീരുമാനിച്ചു. സർക്കാർ നിർദ്ദേശാനുസരണം യഥാസമയം ശമ്പള ബില്ലുകൾ തയ്യാറാക്കി പി.സി.ഒ.യ്ക്ക് സമർപ്പിക്കേണ്ടതാണ് എന്നും തീരുമാനിച്ചു.
- (2) സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതി മാനദണ്ഡങ്ങൾ പ്രകാരം അനുവദനീയമായ അധ്യാപക തസ്തികകൾ കോളേജിന് അനുവദിക്കുന്നത് സംബന്ധിച്ച് പ്രസ്തുത കോളേജിന്റെ അടിസ്ഥാന സൗകര്യങ്ങൾ ഉൾപ്പെടെയുള്ള മറ്റ് മാനദണ്ഡങ്ങൾ കൂടി പരിശോധിച്ച് തീരുമാനം കൈക്കൊള്ളുന്നതാണ്.
- (3) ഡോ. പടിയൻ മെമ്മോറിയൽ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിൽ അന്യധ്യാപക തസ്തികകൾ ഏത് സാഹചര്യത്തിലാണ് കോളേജിന് അനുവദിക്കുന്നതും രണ്ടു കോളേജുകളിലേയും ജോലി ഭാരവും പരിശോധിച്ച് വിദ്യാധിരാജാ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ അന്യ തസ്തികകൾ വർദ്ധിപ്പിക്കുന്ന കാര്യം പരിശോധിക്കുന്നതാണ്.

22/9/14
 26/9/14
 31/9/14
 03/10/14
 5/9/14

ശ്രീവിദ്യാധിരാജ ഹോമിയോ മിനി മെഡിക്കൽ കോളേജ്
 മാലി മെഡ്യൂമിക് മൂവുമെന്റിയുടെ അഡ്മിനിസ്ട്രേഷൻ
 1-08-2011 ന് നടന്ന ഓൺലൈൻ അഭിമുഖീകരണം

1. ശ്രീ വിദ്യാധിരാജ ഹോമിയോ കോളേജിൽ മുൻ സർക്കാർ ഉത്തരവുകൾ പ്രകാരം ശമ്പളം ലഭിച്ചുപോരുന്ന എല്ലാ അധ്യാപകരുടേയും അനധ്യാപകരുടേയും ശമ്പളം മാസം തോറും കൃത്യമായി നൽകേണ്ടതാണെന്നും അതിനായി ശമ്പളബില്ലുകൾ യഥാസമയം സമർപ്പിക്കുകയും അനുവദിക്കപ്പെടുകയും ചെയ്തുകൊള്ളേണ്ടതാണെന്നും തീരുമാനിച്ചു.
2. ശ്രീ വിദ്യാധിരാജ ഹോമിയോ കോളേജിലെ അധ്യാപകരായ ഹോമിയോ ഡോക്ടർമാരുടെ തസ്തികകൾ 31(1 + 30) ആയി നിജപ്പെടുത്തിക്കൊണ്ടുള്ള മുൻ സർക്കാർ ഉത്തരവ് ട്രേഡിംഗ് ചെയ്ത് സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതിയുടെ (CCH) ചട്ടപ്രകാരമുള്ള തസ്തികകൾ അനുവദിക്കാൻ തീരുമാനിച്ചു.
3. ഈ കോളേജിൽ അനധ്യാപകരുടെ തസ്തികകൾ 25 മാത്രമായി നിജപ്പെടുത്തിക്കൊണ്ടുള്ള മുൻ സർക്കാർ ഉത്തരവ് പരിശോധിച്ച് ആവശ്യമായ അനധ്യാപക തസ്തികകൾ അനുവദിക്കാനും ആകെയുള്ള തസ്തികകളുടെ എണ്ണം യാതൊരു കാരണവശാലും 48 കവിയാൻ പാടില്ല എന്ന വ്യവസ്ഥയിൽ ആസ്പത്രി ജീവനക്കാർക്കുടി ഇതിൽ ഉൾപ്പെടുത്തുന്നതിന് വിരോധമില്ല എന്നും 48 പേരിൽ കൂടുതൽ ഇപ്പോൾ കോളേജിൽ ജോലി ചെയ്യുന്നുണ്ടെങ്കിൽ അധികൃത ജീവനക്കാർ പെൻഷൻപറ്റി പിരിയുമ്പോൾ അവിയിലുണ്ടാകുന്ന ഒഴിവുകളിൽ മാത്രം അവരെ ഉൾക്കൊള്ളിക്കാവുന്നതാണെന്നും തീരുമാനിച്ചു.
4. ശ്രീ വിദ്യാധിരാജ ഹോമിയോ കോളേജിനോട് അനുബന്ധിച്ചുള്ള ഹോമിയോ ആസ്പത്രിയിൽ നാല് ഹോമിയോ ഡോക്ടർമാരുടെ തസ്തികകൾ അനുവദിക്കുന്ന കാര്യം അനുഭാവപൂർവ്വം പരിഗണിക്കുന്നതാണ്.
5. സെൻട്രൽ കൗൺസിൽ ഓഫ് ഹോമിയോപ്പതിയുടെ (CCH) എല്ലാ ചട്ടങ്ങളും സംസ്ഥാന സർക്കാരിന്റെ ശമ്പളപരിഷ്ക്കരണ ഉത്തരവുകളും ജീവനക്കാർക്ക് ആനുകൂല്യങ്ങൾ നൽകിക്കൊണ്ട് സർക്കാർ പുറപ്പെടുവിച്ചിട്ടുള്ള മറ്റ് പൊതുവായ ഉത്തരവുകളും (General Orders) ശ്രീ വിദ്യാധിരാജ ഹോമിയോ കോളേജിൽ അതാതു സമയം നടപ്പിൽ വരുത്തേണ്ടതാണെന്നു നിശ്ചയിച്ചു.
6. ശ്രീ വിദ്യാധിരാജ ഹോമിയോ കോളേജിൽ സർക്കാർ നേരിട്ട ശമ്പളം നൽകുന്ന വ്യവസ്ഥ (Direct Payment System) ഏർപ്പെടുത്തിയ 01-09-2002ന് മുൻപ് മുതൽക്കേ കോളേജിൽ ജോലിക്കാരായിരുന്ന അധ്യാപകരുടേയും

അന്ധ്യാപകരുടേയും സേവനവേതന വ്യവസ്ഥകൾ, പെൻഷൻ, പ്രോഫണ്ട് മുതലായ കാര്യങ്ങൾ സർക്കാർ ശമ്പളം ഏർപ്പെടുത്തിയ മറ്റ് സ.ക. കോളേജുകളിൽ നടപ്പാക്കിയ രീതിയിൽ തന്നെ - കേരള യൂണിവേഴ്സിറ്റി നിയമത്തിലെ 60(1) വകുപ്പും യൂണിവേഴ്സിറ്റി സ്റ്റാറ്റ്യൂട്ടുകളും പാലിച്ചുകൊണ്ട് സ്വകാര്യ കോളേജുകളുടെ കാര്യത്തിൽ സംസ്ഥാന സർക്കാർ ഇക്കാലത്തോളം പിൻതുടർന്നുപോന്ന നയത്തിൽ നിന്ന് വ്യതിചലിക്കാതെ നടപ്പാക്കുന്നതാണെന്നു നിശ്ചയിച്ചു.

7. കോളേജിലെ അന്ധ്യാപകരുടെ സീനിയോറിറ്റി നിശ്ചയിക്കുന്ന കാര്യത്തിലും ഓരോരുത്തരുടേയും തസ്തികകളേതെന്ന് അംഗീകരിക്കുന്ന കാര്യത്തിലും മുൻ സർക്കാർ ഉത്തരവുകളിൽ അക്ഷന്തവ്യമായ പിഴവുകൾ സംഭവിച്ചിട്ടുണ്ടെന്നുള്ള മാനേജ്മെന്റിന്റെ പരാതി, മാനേജ്മെന്റുകളുമായി ചർച്ച ചെയ്ത്, എത്രയും പെട്ടെന്ന് പരിശോധിക്കേണ്ടതാണെന്നും തെറ്റു പറ്റിയിട്ടുള്ളതായി പരിശോധനയിൽ കാണുന്ന പക്ഷം താമസം കൂടാതെ തെറ്റുതിരുത്തി ഉത്തരവ് പുറപ്പെടുവിക്കേണ്ടതാണെന്നും തീരുമാനിച്ചു.

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos. 18669 & 29460 of 2006,
25076, 27140, 32008, 36786 of 2008,
13790, 20976, 31029 of 2010 and 7689 of 2015

Dated this the 13th day of March, 2015.

J U D G M E N T

These batch of writ petitions are filed by teaching and non-teaching staff engaged in Sree Vidhyadhiraja Homoeopathic Medical College, Thiruvananthapuram. The main grievances espoused in these writ petitions are in regard to non-implementation of the decision in a meeting convened by the Chief Minister on 31.8.2011 regarding staff pattern to be followed in the college. During the pendency of the leading case before this Court another decision was taken on 14.2.2013. In the meeting, it is agreed to follow the staff pattern of Central Council of Homoeopathy (CCH). Accordingly all have agreed to follow the staff pattern of CCH for the purpose of determining the staff fixation in the medical college in the matter of the teaching and non-teaching staff.

2. In view of the above, it is submitted by the Government Pleader that if proposal is forwarded by

W.P.O. No. 18669 and connected cases

IV. The Government will abide by the decision taken in the above. In the facts and circumstances, the following directions are issued:

- 1) The Manager shall send the proposal to workout decision within a period of one month through the Principal and Controlling Officer.
- 2) On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the approval of the staff pattern.
- 3) The staff pattern shall be implemented with effect from 1.9.2002, the date on which the direct payment system was introduced.
- 4) The Government shall take the action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer.
- 5) The interim order passed in respect of the payment

W.P.(C) No. 18669 and connected cases

of the salary to various writ petitioners will continue till the Government takes a decision.

6) Based on the approval of staff fixation, the University shall take a decision to approve the appointment of the petitioners within three months.

7) The entire arrears and monetary benefits shall be released without any delay.

8) The impugned orders are set aside.

These writ petitions are disposed of as above.

sd/

A. MUHAMED MUSTAQUE,
JUDGE

jm/

WP(C).No. 18669 of 2006 (V)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE GO(MS)NO.184/2003/H&FWD DATED 3/9/03
- P2: COPY OF THE GOVERNMENT LETTER NO.42422/12/2004/H&FWD DATED 30/8/05
- P2(A): COPY OF THE ENCLOSED MINUTES
- P3: COPY OF THE LETTER D.O.NO.3525/C/12004/G.H.M.C.T.DATED 14/12/05
SUBMITTED BY THE R2 TO THE STATE GOVERNMENT.
- P4: COPY OF THE MINUTES
- P5: COPY OF THE GO(MS)7/2005/H&FWD DATED 2/2/05
- P6: COPY OF THE LETTER NO.15-15/2005-CCH/MG51 DATED 28/1/06 ADDRESSED TO
THE PRINCIPAL OF THE COLLEGE WITH ITS ENCLOSURES
- P7: COPY OF THE GO(MS)NO.03/2006/H&FWD DATED 22/9/2006
- P8: COPY OF THE GO(MS)NO.99/02/H&FWD DATED 25/4/2002 ISSUED BY THE R1
- P9: COPY OF THE JUDGMENT DATED 24/9/2004 IN WPC.12855/04-E OF THIS
HONOURABLE COURT.
- P10: COPY OF THE COMMON JUDGMENT DATED 3/6/05 IN WA.NOS.169,259,323,334
AND 299 OF 2005 OF THIS HONOURABLE COURT.
- P11: COPY OF THE ORDER NO.4320/C1/2006/GHMCT DATED 27/4/2002 ISSUED BY THE
R2
- P12: COPY OF THE NOTIFICATION IN GO(IP)NO.120/2006/H&FWD DATED 6/7/2006
- P13: COPY OF THE GO(MS)NO.137/2011/H&FWD DATED 26/2/11
- P14: COPY OF THE MINUTES OF THE CONFERENCE CONVENED ON 31/8/11
- P15: COPY OF THE GO(MS)NO.185/2012/H&FWD DATED 18/6/12
- P16: COPY OF THE GO(MS)NO.213/2012/H&FWD DATED 7/7/12
- P17: COPY OF THE MINUTES OF THE CONFERENCE CONVENED ON 14/2/13

RESPONDENTS' EXHIBITS

- R2(A): COPY OF THE ORDER GO(MS)NO.376/2009/H&FWD DATED 30/10/09
- R2(B): COPY OF THE ORDER DATED 16/4/10.

PJ

/ TRUE COPY /

P.S. TO JUDGE

487 287 5 9

ANTONY DOMINIC & A. HARIPRASAD, JJ.

C.M.Appln.No.1360 of 2015 & W.A.No.2498 of 2015 ✓
C.M.Appln.No.146 of 2016 & W.A.No.217 of 2016,
C.M.Appln.No.166 of 2016 & W.A.No.244 of 2016 &
C.M.Appln.No.184 of 2016 & W.A.No.275 of 2016

Dated this the 1st day of March, 2016

JUDGMENT

Antony Dominic, J.

1. These appeals are filed against the common judgment dated 13.3.2015 in W.P(C).18669/06 and connected cases. All these appeals are filed belatedly. Having regard to the common nature of the issues involved, W.A.2498/15 is treated as the leading case.

2. In W.A.2498/15, C.M.Appln.No.1360/15 is filed to condone delay of 152 days in filling the appeal, with an affidavit filed by the Under Secretary, explaining the reasons which caused the delay. Lack of genuineness of the reasons stated by the appellants is evident from the counter affidavit filed by the 5th respondent, which, in paragraph 3 thereof, has stated thus:

*3. It is most humbly submitted that on the basis of the common judgment passed by this Hon'ble

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&

THE HONOURABLE MR. JUSTICE A. HARIPRASAD

TUESDAY, THE 1ST DAY OF MARCH 2016/11TH PHALGUNA, 1937

WA.No. 2498 of 2015 () IN WP(C).18669/2006

(JUDGMENT IN WP(C) 18669/2006 of HIGH COURT OF KERALA DATED 13.3.2015)

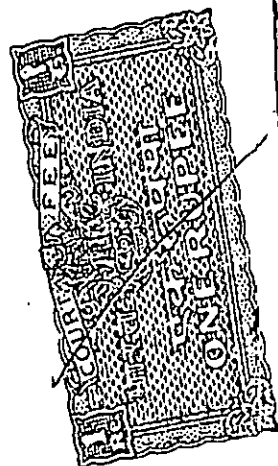
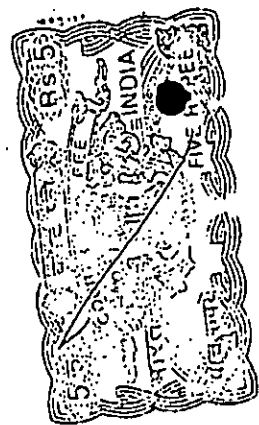
APPELLANT(S)/RESPONDENTS 1 & 2 IN WPC:

1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 020.
2. THE PRINCIPAL AND CONTROLLING OFFICER,
GOVERNMENT HOMEOPATHIC MEDICAL COLLEGE, IRANIMUTOM
THIRUVANANTHAPURAM - 9.

BY SR GOVT PLEADER SRI. RENNIE STEPHAN CHAMAPARAMBIL

RESPONDENT(S)/PETITIONER & RESPONDENTS 3 TO 6 IN WPC:

1. V.VIMALADEVI
PERSONAL ASSISTANT TO THE PRINCIPAL
SHREE VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE
NEMOM, THIRUVANANTHAPURAM 20
AND GENERAL SECRETARY SREE VIDHYADHIRAJA HOMEOPATHIC
MEDICAL COLLEGE EMPLOYEES COUNCIL
NEMOM P.O
2. B.SREELATHA, HEAD CLERK
SHREE VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE
NEMOM P.O. THIRUVANANTHAPURAM 695 020.
3. DR.D.RAGHU, HEAD OF THE DEPARTMENT OF PATHOLOGY
SHREE VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE
NEMOM P.O. THIRUVANANTHAPURAM - 695 020 AND PRESIDENT
SHREE VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE
EMPLOYEES COUNCIL, NEMOM P.O
4. DR.P.V.SURESH KUMAR
DEPARTMENT OF ORGANON MEDICINE SHREE
VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE
NEMOM P.O. THIRUVANANTHAPURAM - 695 020.
5. THE SECRETARY
SHREE VIDHYADHIRAJA VIDYASAMAJAM EAST ALUMMOOD BUNGLOW
CHETTICKULANGARA, THIRUVANANTHAPURAM 695 001.
6. DR.K.RAJEEV
S/O.P.R.KRISHNA PILLAI, ANJANA
VAYALIKADA VELLIKUNNU JUNCTION
MUKKOLA P.O. TRIVANDRUM - 695 524.



W.A. 1546/15 & C.M. 1360/15

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these facts can be certified if this Hon'ble Court is pleased to call for the Government file No.171/J2/2015/H&FWD Dt.29.7.2015 from the office of the Health Secretary."

A copy of the legal opinion furnished by Mr.V.P.Panicker was also made available to us. NO materials have been placed before us to show that the facts pleaded in the counter affidavit are incorrect. We are, therefore, satisfied that the explanation offered to justify the delay is absolutely incorrect and unsatisfactory.

3. That apart, we also find that the judgment under appeal has already been confirmed by a Division Bench of this Court by judgment dated 11.8.2015 in W.A. 1546/15 and connected cases, in which, appellants herein are also parties.

4. For the aforesaid reasons, C.M. Appln. No. 1360/15 is dismissed. Consequently, W.A. 2498/15 also is dismissed.

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W.A. 10815 & 10816

Court in the above writ petitions, the learned Advocate General gave a legal opinion to the government to implement the directions contained in the above judgment. The present Health Secretary, brushing aside the legal opinion given by the learned Advocate General decided not to implement the decision taken by the Chief Minister on the basis of which the judgment under challenge in the above writ petition was passed. In the mean time, one Adv.V.P.Panicker who claims to be a "public interest litigant" gave a legal opinion, in "public interest", to the Health Secretary not to implement the decision taken by the Chief Minister and not to comply with the directions of the learned single judge contained in the judgment under challenge and to brush aside the legal opinion given by the learned Advocate General. The Health Secretary, brushed aside the legal opinion given by the learned Advocate General and has instructed the learned Advocate General to file the present writ appeal. It is most humbly submitted that the above writ appeal is not filed to protect the interest of the government but because of the pressure tactics played by the present Health Secretary to avoid the contempt proceedings that are pending before the learned single judge for non-compliance of the directions contained in the judgment under challenge and to oblige Mr.V.P.Panicker referred to above due to extraneous reasons and irrelevant considerations. This is the actual reason why the delay has happened in filing the above Writ Appeal. All

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W.A. 217/16 & con cases

S.C.M.Appln.No.146/16 is filed to condone delay of 221 days in filing W.A.No.217/16, C.M.Appln.No.166/16 is filed to condone delay of 225 days in filing W.A.244/16 and C.M.Appln.No.184/16 is filed to condone delay of 228 days in filing W.A.275/16. For the reasons stated earlier, these applications for condonation of delay are dismissed and consequently, the appeals also are dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
A. HARIPRASAD, Judge.

kkb.

EM NO.21

COURT NO.5

SECTION XIA

63

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C).....CC No(s).
14950-14951/2016

(Arising out of impugned final judgment and order dated 01/03/2016
in WA No. 2498/2015 and WA No. 275/2016 passed by the High Court Of
Kerala At Ernakulam)

STATE OF KERALA AND ANR.

Petitioner(s)

VERSUS

SREE VIDYADHIRAJA HOMEOPATHIC MEDICAL
COLLEGE AND ORS. ETC.

Respondent(s)

(with appln. (s) for c/delay in filing slp)

Date : 16/08/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

For Respondent(s)

UPON hearing the counsel, the Court made the following
O R D E R

Delay condoned.

The special leave petitions sre dismissed.

[O. P. SHARMA]
AR-cum-PS

[SHARDA KAPOOR]
COURT MASTER

Signature not Verified
Digitally signed by O.P. SHARMA
Date: 2018.08.20
11:36:35 IST
Reason: []



GOVERNMENT OF KERALA

Abstract

Homoeo Medical Education Department - Establishment - Combined Judgement dtd 13.03.2015 in WP(C) No.18669/2006 and other connected cases - Complied - Orders issued.

AYUSH (B) DEPARTMENT

GO(Rt) No.473/2016/AYUSH Dated, Thiruvananthapuram, 24.09.2016.

Read: 1. Combined Judgement dtd 13.03.2015 in WP(C) No.18669/2006 and other connected cases.

2. Letter No.1432/B2/2015/GHMCT dtd 01.06.2015 from the Principal & Controlling Officer, GHMC, Thiruvananthapuram.
3. Letter No.SVRHMC/145/2015 dtd 22.05.2015 from the Manager, SVRHMC, Nemom, Thiruvananthapuram.
4. Govt. letter No.171/J2/2015/H&FWD dtd 26.07.2015.
5. Judgment in SLP No.14950/16 and 14950/16 dtd 16.8.16.

*** ** *

As per the judgment read as 1st paper above, the Hon'ble High Court has directed Government to implement the decisions agreed to by the Chief Minister on 31-8-2011 regarding staff pattern to be followed in the Sree Vidyadhiraja Homoeopathic Medical College. The judgment states that:

"in the meeting it is agreed to follow the staff pattern of Central Council of Homoeopathy (CCH). Accordingly all have agreed to follow the staff pattern of CCH for the purpose of determining the staff fixation in the Medical College in the matter of teaching and non-teaching staff."

2) The judgment has become final as the SLP No.14950 and 14951/2016 have been dismissed on 16th August, 2016. The Government have examined the proposal submitted by the Manager, SVRHMC dated 20th May and 22nd May, 2015 along with the views of Principal and Controlling Officer, Homoeopathy through letter dated 1-8-2015 and the Manager has further clarified the points raised by Government on 26-7-2015 and 4-8-2015. These clarifications pertain to manner of appointment, qualifications of appointed staff, individuals appointed, etc. and not the staff pattern *per se*.

3) As per CCH Regulation notified in 1983, the minimum teaching staff for degree course is as follows.

TABLE - 1

Name of the Department	Professor	Reader	Lecturer	Tutor/ demonstrator
Anatomy	2	1	1	2
Materia Medica and Homoeopathic Therapeutics	2	2	3	2
Homoeopathic Pharmacy	Nil	1	1	2
Organon of Medicine, Philosophy, Chronic Diseases and Psychology	2	2	2	2
Practice of Medicine	1	2	1	3
Surgery, ENT & Ophthalmology	1	1	1	2
Obstetrics & Gynaecology	1	1	1	1
Preventive and Social Medicine with Family Welfare	nil	1	1	1
Forensic Medicine	Nil	1	1	1
Physiology & Biochemistry	1	1	1	3
Pathology, Bacteriology & Parasitology	Nil	1	1	2
Case Taking & repertorisation	1	Nil	1	2
TOTAL	10	14	15	23

4) As per CCH Regulations notified in 2002 the minimum teaching staff for degree course is as follows.

TABLE - 2

Name of the Department	Professor	Reader	Lecturer
Anatomy	1	1	1
Physiology including Biochemistry	1	1	1
Organon of Medicine*	1	2	2
Homoeopathic Pharmacy*	1	1	1
Homoeopathic Materia Medica*	2	2	2
Pathology & Microbiology	1	1	1
Forensic Medicine & Toxicology	1	1	1
Practice of Medicine*	1	2	2
Surgery	1	1	1
Obstetrician & Gynaecology	1	1	1
Community Medicine	1	1	1
Repertory*	1	1	1
Total	13	15	15

* Only full-time faculty at all level.

5) As per the letter read as 3rd paper above, the Manager, Sree Vidhyadhiraja Homoeopathic College has submitted proposal for approval of Government of following posts vide direction contained in judgment read as 1st paper above.

TABLE - 3
TEACHING STAFF

Sl. No.	Name of Post	Number of posts
1	Principal	1
2	Professor	6
3	Reader	12
4	Lecturers	24

TABLE - 4
DOCTORS IN THE HOSPITAL

Sl. No.	Name of post	Number of posts
1	Chief Medical Officer & Deputy Medical Superintendent	1
2	Resident Medical Officer	1
3	Medical Officer	2

6) Government have examined the proposals of the Manager, Sree Vidyadhiraja Homoeopathic Medical College made through the PCO, Homoeopathy in letters No.SVRHMC/145/2015 dated 20th May, 2015 and 22nd May 2015 and clarifications made on 04-8-2015 and are pleased to order as follows:-

1. The teaching staff pattern and non-teaching staff pattern according to the extent regulations of Central Council of Homoeopathy in vogue on 1-9-2002 i.e., the date on which the direct payment system was introduced in SVRHMC is hereby approved for implementation as detailed in Table - 1 to Table - 4 subject to overall limit prescribed category wise as per CCH norms 2002.

2. As the Central Council of Homoeopathy has issued regulations for teaching staff and non-teaching staff specifying the requisite staff pattern on 11th May, 1983 and again issued it revised staff pattern on 11th September, 2002, Government clarifies that teaching and non-teaching staff who were approved upto and including 10th September, 2002 shall be under the staff pattern and qualifications as in the 1983 regulations and those appointed on or after 11th September, 2002 shall be as per the staff pattern and qualifications notified on 11th September, 2002. The staff strength so fixed shall not exceed the number prescribed against each category of teaching and non-teaching staff as notified by CCH on 11th May, 1983 and 11th September, 2002 respectively.

3. Pursuant to the direction of the Hon'ble High Court, Government further orders that the Manager shall submit proposals for approving appointment of qualified individuals to the Kerala University of

Health Sciences with all connected documents so that the Governing Council of the University can scrutinize and approve the appointment of teaching staff and doctors in Hospital as per CCH Regulations 2002 under sub section (15) of Section 23 of Kerala University of Health Sciences Act in its Governing Council. While examining the proposals of the Manager, the University shall examine the qualifications of individuals against the requisite minimum prescribed by the CCH guidelines applicable on their date of appointment. The University shall offer specific remarks in cases of those individuals whose appointment is not being approved as to why they are not being approved and the approvals of individuals which are subjudice on that ground would be subject to the final outcome of the same proceeding and not prejudicial to any final or interim order in force. In the process of approval University may hear the individuals concerned and the Manager and third parties may not be heard.

4. The University shall complete the process of approval within three months from the date of these orders and report the same to Government.

5. Upon receipt of the same, the Government shall expeditiously examine it in consultation with Finance and Law and issue orders granting consequential arrears due in the State pay scales periodically implemented between 1-9-2002 till present to eligible appointees.

6. The Manager shall not appoint any person in the College without prior approval of Government until the process of approving past appointments are completed.

7. Matters related to pensioners and non-teaching staff of the College shall be addressed separately after the current process is over.

7) The judgment read as 1st paper above has been complied with accordingly.

(By Order of the Governor)

DR.B.ASHOK
Secretary.

To

The Principal & Controlling Officer, Govt. Homoeo Medical College,
Thiruvananthapuram.

The Registrar, Kerala University of Health Sciences, Thrissur.

The Manager, Sri Vidhyadiraja Homoeopathic Medical College, Nemom.

The Principal, Sri Vidhyadiraja Homoeopathic Medical College, Nemom.

The Accountant General (Audit)/(A&E), Kerala, Thiruvananthapuram.

The Advocate General, Ernakulam (with C/L).

SF/OC.

Forwarded/By order


Section Officer.

KERALA UNIVERSITY OF HEALTH SCIENCES**Abstract**

KUHS - DPS Implementation-Appointments/Promotions of Teaching Faculties in Various Departments of Sree Vidhyadiraja Homoeopathic Medical College, Nemom-Approved - Orders issued-reg.

ACADEMIC I BRANCH

No: 6772/AC1/Gen/A3/15/KUHS

Thrissur, dated:04.08.2018

Read: 1. Judgment in WPC no. 18669/2006 and connected cases by Hon'ble High Court of Kerala.
2. Judgment in SLP no. 14950/16 dated 16.08.2016 by Hon'ble Supreme Court.
3. GO (Rt) No. 473/2016/AYUSH dated 24.09.2016
4. Proposal submitted by the Manager, SVHMC, Nemom dated 06.10.2016.
5. Decision No.42.41 of Governing Council dated 20.11.2017.
6. Revised proposal submitted by the Manager, SVHMC, Nemom dated 06.04.2018.
7. Decision No.46.45 of Governing Council dated 08.06.2018.
8. Minutes of the Subcommittee of Governing Council dated 22.06.2018 & 25.06.2018.
9. Decision No.47.04 of GOVERNING COUNCIL dated 07.07.2018.
10. Orders of Hon'ble Vice Chancellor dated 26.07.2018

ORDER

In the light of the Govt. order G.O. (Rt.) No. 473/2016/AYUSH dated 24.09.2016 and judgment dated 13.03.2015 of the Hon'ble High Court Kerala in W.P.C.No 18669/2006 and connected cases, Manager S.V.R.H.M.C submitted proposals regarding the appointment/ Promotions of the Teaching Faculty of the Institution before the University vide reference cited 4 above as part of the effective implementations of DPS System..

2) After the detailed verification of the proposal and the directions contained in the Government order cited 3 above, the Governing Council vide decision no.42.41 decided as follows:

1. The college was a Diploma institute prior to 2001 and the degree course commenced in the college since 2001. Considering the fact that the DPS was introduced with effect from 1.9.2002, all the appointments made previously would be treated as effective from 1.9.2002.
2. Those teachers appointed prior to the date of effect of the DPS would be placed as tutors, considering their qualification in terms of the regulations prevailed till 2002. The previous services rendered prior to the said date shall not be reckoned for promotion. Their service would be governed by the 1983 regulations.
3. All the appointments made during the period in which the college was closed down would be treated as effective from the date of DPS i.e. 1.9.2002.
4. Appointments made on or after 11.09.2002, till 7.3.2013 will be governed by the 2002 CCH regulations.
5. In the case of teachers who were appointed giving relaxation in the age limit by the manager, the council took serious note of the action committed by the manager in giving relaxation without obtaining prior approval of the University. But taking a lenient view the relaxation of the age could be granted

to properly and legally appointed persons.

6. The documents produced does not show the constitution of the selection committee for the appointment of teachers, it is necessary to address the Government in this regard and to seek necessary clarification on the same and find out whether the Government would relax the said condition imposed in the Government order.

7. The Governing Council took serious note of the fact that the management is not cooperating with the University by withholding necessary documents. The proposal submitted by the college in 2015 before the Government, the seniority list maintained and the original appointment orders were not produced before the University.

3) The decision of the Governing Council was informed to the Government and the college was directed to submit revised proposal in tune with the Government order and the decision of the Governing Council

4) In order to facilitate the finalization of the approval proceedings, the Government convened a meeting of the college management, the University and the departmental officials at the Government secretariat. The meetings were convened on 06.01.2018 and 17.03.2018 dates. The issues faced by the University and the College were placed before the Government and the college authorities were directed to provide the necessary documents and to furnish the revised proposal after rectifying the defects noted by the University in the earlier proposal

5) In compliance to this direction, the Manager submitted a revised proposal on 06.04.2018. The Governing Council considered the proposal and vide decision no. 46.45 dated 08.06.2018 decided as follows

The Governing Council discussed in detail and approved in principle the proposal submitted by the college, which is in tune with the previous Governing Council decisions, and decided to constitute a subcommittee for final verification of the proposal submitted before the Governing Council and to submit their recommendations to the next Governing Council. The Committee would include Dr. A. Nalinakshan, PVC, as Chairman, Dr. Fazal Gafoor, and Dr. Sunilraj, PCO, as members, the Registrar as Convenor and the Standing Counsel of the University as special invitee. The Governing Council also decided to make appropriate changes wherever necessary, as per the earlier Governing Council decisions and in accordance with law, in the proposal submitted by the Manager.

6) The Subcommittee thus constituted verified the proposal submitted by the Manager with the relevant Governing Council decisions, Government order, CCH norms and considering the following points that

1. As per the GO(Rt) No.473/2016/AYUSH dated 24.09.2016, the Government approved the staff pattern subject to overall limit prescribed category wise as per the CCH norms 2002. ie, Professor-13, Reader-15 and Lecturer-15 (total-43).
2. Since the CCH has issued regulations of teaching staff on 11th May 1983 and revised the same on 11th September 2002, GO clarified that teaching staff who were appointed up to and including 10th September 2002 shall be under 1983 regulations and those appointed on or after 11th September 2002 shall be as per the staff pattern and qualifications of the norms

amended and notified on 11th September 2002. The staff strength so fixed shall not exceed the number prescribed against each category of teaching staff as notified by CCH on 1983 and 2002 respectively, the committee suggested that certain clarification are required from the institutions with regard to over all staff strength for each year and the qualifications and date of appointment of the faculty members.

7) After hearing the College management and verifying all the documents, the Committee came to a conclusion that at no point of time the staff strength exceeded the approved CCH pattern in the college, ie, 43 faculty members (including Principal).

On 01.09.2002, (at the time of implementation of DPS in the College) there were only 16 Faculty members under different departments.

During 2004, the college appointed 15 more faculty members thus making the total number to 31. 3 teachers retired during 2004 and actual number limited to 28.

In 2005, 4 appointments were made and the total teaching faculty during 2005 increased to 32.

In 2006, 9 appointments were made and 2 teachers retired thus making the total number to 39.

During 2007, 3 appointments were made, actual number of teaching faculty increased to 42.

During 2008, 2 appointments were made and 1 retired thus making the total number to 43.

During 2009, there were 1 appointment and 1 retirement thus making the total number again to 43.

8) During 2012, in the Department of Repertory Dr. Salini G Unnithan went for higher studies (without monthly salary) and Dr. Shylaja K Nair was placed under suspension thus the Department was left with no teaching faculty at all. The management was forced to make an appointment in the Department for the benefit of the students, ie, also for a period from 01.04.2012 to 19.04.2013, on which date Dr Salini Unnithan returned after her study leave. In such circumstances, Dr. G Madhu was appointed as Lecturer on 01.04.2012 and the total number of staff remained at 43. There after Dr Madhu was retrenched on the return of Dr Salini Unnithan on completion of her study leave period and he was again accommodated in the college on the arisal of another vacancy on the death of Dr.Sree Gopal. The Management has requested the University to take a lenient view on the appointment of Dr. G Madhu considering the facts mentioned above.

9) The management also contended that the appointments made by the management in the college were accepted and approved by the Government and the University of Kerala earlier when orders sanctioning the posts and approval were issued by the Government and the University. In this light it was contended that the lack of constitution of the selection committee may not be viewed seriously. The Government was also addressed in this regard. In addition to this the fact that the teachers appointed in the college were working for a very long period was also urged by the management.

10) In the GO (Rt) No. 473/2016/AYUSH dated 24.09.2016 it is clearly specified that the staff strength fixed shall not exceed the overall limit prescribed category wise and the Management has taken care of this clause and the category wise distribution of Faculty. In the initial years in some Departments the prescribed number exceeded but in many other Departments less than

the required number or no faculty were appointed. It was pointed out by the Management that when the majority of appointments were made departmental wise distribution of posts were not available and it may not be possible to implement the same at this distance of time. It was also contended that the Government order gives stress on the category wise details appreciating the fact that the Departmentalization was introduced at a later stage and the implementation of the same in a strict manner on the already made appointments is practically impossible.

11) The present category wise position available in the college is 8 Professors, 19 Readers and 15 Lecturers (down grading 4 Professor Posts as Reader post).

Dr.Ajesh has his initial appointment after the implementation of the 2013 norms and he does not have the prescribed qualification in terms of the 2013 norms. Hence the appointment of Dr. Ajesh as lecturer may not be accepted due to lack of Qualification as per CCH norms 2013.

12) In the case of teachers who were in service on the date of implementation of the DPS and who had worked over and above the age of 55 years, which was the date of superannuation, the management produced the judgments rendered by the Hon'ble High court permitting them to enjoy the salary due to the said period with a rider that the pension benefits would be reckoned only taking into account the service up to the age of 55 years. The point is covered by the judgments and requires no further analysis.

13) The Subcommittee after detailed discussions decided to recommend for the approval of the proposal submitted by the Manager, SVHMC, Nemom, read as 6 above.

14) The Governing Council dated 07.07.2018 vide decision no.47.04 resolved to approve the appointments/promotions made by the Manager, SVHMC, Nemom (appended) by invoking the power of Governing Council as per Sn 23(xv) of KUHS Act2010.

15) The Hon'ble Vice Chancellor had accorded permission to implement the decision of the Governing Council

16) Orders are issued accordingly.

Sd/-

PVC & REGISTRAR I/C

To

1. The incumbents (Through Principal)

Copy to:

- ✓ 1. Secretary to Government AYUSH Department (with C/L)
 2. The Manager, Sri Vidhyadhiraja Homoeopathic Medical college, Nemom (with C/L)
 3. The Principal and Controlling Officer, Government Homoeopathic Medical College Thiruvananthapuram (with C/L)
- PS to VC, PA to PVC, PA to Registrar, O.C, S.F

Forwarded by Order

Assistant Registrar

APPOINTMENTS/PROMOTIONS OF TEACHERS AT SVHMC, NEMOM THIRUVANANTHAPURAM

Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
Dr.Suseela Kumari	28/11/1942	DHM	11/7/1967	01/09/2002				Served as Principal till retirement on 30/06/2004(As per 1983 Regulation)

3 Department of OBG(1-1-1)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.P Remadevi	12/12/1956	DHMS 1976	30/01/1985	1/09/2002	1/09/2005	13/06/2011	13/06/2014	She was on LWA on Medical grounds from 20/04/2006 to 31/01/2008 and not counted for teaching experience(As per 1983 Regulation)
2	Dr.Razanathu F	25/05/1967	DHMS 1997 + Graded BHMS 2004(Kerala Uty)	01/09/2002	01/08/2002	01/09/2005	01/01/2010	01/01/2014	1983 Regulation
3	Dr.D Lekshmi	26/06/1973	BHMS 1998(Kerala Uty)	29/10/2003		29/10/2003	01/11/2013		2002 Regulation
4	Dr.M S Sreelatha	26/01/1970	DHMS and graded BHMS 1999 (Kerala Uty)	03/11/2003		03/11/2003			2002 Regulation

5 ✓ Department of Practice of Medicine(1-2-2)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.K Rajeev	10/12/1952	DHMS	08/08/1979	01/09/2002	01/09/2005			Served as Principal from 05/08/2006 till his retirement on 30/04/2008
2	Dr.L Tara	25/12/1961	BHMS 1989	06/02/1991	01/09/2002	01/09/2005	01/09/2009	01/09/2012	1983 Regulation Now working as Principal from 01/05/2017
3	Dr.L Minidevi	31/05/1966	BHMS 1992(MG Uty)	07/04/2004		07/04/2004	15/04/2014		2002 Regulation LWA for 47 days from 20/05/14 to 05/07/14
4	Dr.K R Ranjit	21/04/1975	BHMS 2001(MG Uty)	12/07/2005		12/07/2005	15/07/2015		2002 Regulation
5	Dr.Soumya Nair	31/03/1978	BHMS 2003(MG Uty)	22/01/2007		22/01/2007			2002 Regulation LWA for 2 years and 97 days from 26/03/2014 to 30/06/2014
6	Dr.Shajitha Beegum A	30/05/1972	DHMS 1995(Keral Uty)+ Graded BHMS 2005(Kerala Uty)	01/07/2009		01/07/2009			2002 Regulation

3 Department of Surgery(1-1-1)

Sl. No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.Zachariah George	29/05/1962	DHMS 1986	03/08/1987	01/09/2002	01/09/2005	01/09/2009	01/09/2012	1983 Regulation
2	Dr L Letha	10/05/1968	BHMS 1993 Kerala Uty + MD 2004 (Kerala Uty)	13/11/2003		13/11/2003	01/06/2009		2002 Regulation LWA for 214 days 16/11/2003 to 16/06/2014
3	Dr C V Sujith	06/09/1977	BHMS 2003 (Keral Uty)	09/05/2007		09/05/2007			2002 Regulation

3 Department of Physiology(1-1-1)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr. M Kalesh Kumar	01/02/1960	DHMS 1985+ External MD	07/02/1989	01/09/2002	01/09/2005	01/09/2009	01/09/2012	1983 Regulation
2	Dr.G Sreegopal	27/05/1963	Graded BHMS	07/01/2002	1/09/2002	01/09/2005	01/09/2009		1983 Regulation. LWA for 280 days from 01/02/2010 to

									07/11/2010.Expired on 26/05/2013
3	Dr.P Thara	15/05/1977	BHMS 2002 (Kerala Uty)	26/03/2006		26/03/2006	01/04/2016		2002 Regulation

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Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.G N Sailendrakumar	11/03/1966	DHMS 1992	2/06/1994	01/09/2002	01/09/2005	01/09/2009	01/09/2012	1983 Regulation
2	Dr.Leena Girish	31/05/1972	BHMS 1997 (MG Uty)+ MD 2017 (KUHS)	02/12/2002		02/12/2002	15/12/2012		2002 Regulation
3	Dr.S K Veena	15/12/1976	BHMS 2002(Kerala Uty)	26/03/2006		26/03/2006			2002 Regulation

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SLNo	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
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1	Dr.G Somasekharan Pillai	10/09/1953	DHMS	02/06/1986	01/09/2002	01/09/2005	01/09/2009		As per the statement from Manager, promoted as Principal w.e.f 01/05/2008 in place of Dr.k Rajeev till his retirement on 16/01/2009 (1983 Regulation)
2	Dr.B Jayaprakashini	04/01/1943	DHM	05/07/1976	01/09/2002				Retired on 0/06/2004.Age as on 01/09/2002 - 59 years(1983 Regulation)
3	Dr.G Usha	16/10/1969	BHMS 1997 Kerala Uty	25/07/2002	01/09/2002	01/09/2005	01/09/2009	29/08/2014	LWA for 302 days from 01/07/2010 to 28/04/2011(1983 Regulation)
4	Dr.Rekha Chandran	11/03/1975	BHMS 2000(MG Uty)	05/08/2004		05/08/2004	15/08/2014		2002 Regulation
5	Dr.K N Usha	19/01/1968	BHMS 1992 (MG Uty) + External MD	03/12/2005		03/12/2005	03/12/2015		2002 Regulation Age relaxation permitted by GC of KUHS(
6	Dr S Seena	01/10/1976	BHMS 2002 (Kerala Uty)	26/03/2006		26/03/2006			2002 Regulation Pursuing PG Course
7	Dr.M Smitha	25/12/1976	BHMS 2002 (Kerala Uty) + MD 2016 (KUHS)	29/07/2006		29/07/2006			2002 Regulation
8	C J Nayana	25/05/1978	BHMS 2003 (Kerala Uty)	01/05/2008		01/05/2008			2002 Regulation

3 Department of Repertory & Case taking (1-1-1)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.Shylaja K Nair	28/05/1960	DHMS+ Graded BHMS 2003	04/06/1984	01/09/2002	01/09/2005	01/09/2009	12/08/2013	1983 Regulation Excluding period of absence from service for studying graded BHMS and unauthorised absence of 71 days from 01/01/2009 to 12/03/2009. Compulsory retirement on 22/08/2015
2	Dr.Shalini G Unnithan	01/01/1976	BHMS 2001 (Kerala Uty)+ MD 2013 (Kerala Uty)	27/03/2005		27/03/2005	01/10/2013	01/10/2015	2002 Regulation
3	Dr G Madhu	09/05/1970	BHMS 1994 (MG Uty) + External MD	01/04/2012		01/04/2012			2002 Regulation Upper age limit relaxed by GC KUHS.

5 Department of Organon Of Medicine (1-2-2)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.A Maheswaaran Pillai	08/03/1947	DHM	03/10/1972	01/09/2002	01/09/2005			1983 Regulation Date of Retirement: 04/08/2006 Age as on 01/09/2002 – 55 years
2	Dr.Suresh Kumar P V	20/05/1966	BHMS 1991 (MG Uty) + External MD	18/08/2004		18/08/2004	18/08/2014		2002 Regulation Upper age limit relaxed by GC KUHS.
3	Dr.Rekha Rajagopalan	17/11/1974	BHMS 1998 (MG Uty) +MD 2014 (KUHS)	23/03/2004		23/03/2004	01/04/2014		2002 Regulation LWA from 20/07/2010 to 17/09/2010
4	Dr.Leeba Mary Joshua	17/10/1976	BHMS 2002 (Kerala Uty)	26/03/2006		26/03/2006	01/04/2016		2002 Regulation
5	Dr.B R Bindu	25/05/1976	BHMS 2002 (Kerala Uty)	26/03/2006		26/03/2006			LWA for 3 years from 14/05/2009 to 13/05/2012
6	Dr.K Rekha	28/05/1978	BHMS 2003 (Kerala Uty)	09/05/2007		09/05/2007			2002 Regulation

3 ✓ **Department of Forensic Medicine(1-1-1)**

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr Biju Raj	25/08/1971	BHMS 1997 (Kerala Uty) + External MD	20/09/2003		20/09/2003	20/09/2013		2002 Regulation
2	Dr.M Krishna Kumar	19/05/1976	BHMS 2001 (MG Uty)	18/08//2005		18/08//2005	01/09/2015		2002 Regulation
3	Dr Rekha Gopinath R	23/10/1975	BHMS 2002 (Kerala Uty)	26/03/2006		26/03/2006			2002 Regulation

3 ✓ **Department of Anatomy (1-1-1)**

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.G Radhakrishnan	10/11/1942	DHM	24/07/1972	01/09/2002				Date of Retirement 30/06/2004 Age as on 01/09/2002 -60 years

2	Dr.S Velappan Pillai	21/05/1947	DHM	10/02/1977	01/09/2002	01/09/2005			Date of Retirement 04/08/2006
3	Dr.R Santhosh Kumar	15/05/1967	BHMS 1992 (Kerala Uty) + External MD	17/11/2003		17/11/2003	17/11/2013		2002 Regulation Upper Age limit relaxed by GC KUHS
4	Dr S Deepthi	26/05/1969	DHMS + Graded BHMS 19996 (Kerala Uty)	20/12/2003		20/12/2003	01/01/2014		2002 Regulation
5	Dr A S Smitha	02/07/1978	BHMS 2003(Kerala Uty)	01/02/2008		01/02/2008			2002 Regulation

3 Department of Pathology & Microbiology (1-1-1)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.D Reghu	01/05/1965	BHMS 1990(MG Uty)	11/12/2002		11/12/2002	15/12/2012		2002 Regulation Upper Age limit relaxed by GC KUHS
2	Dr. C Bindulekshmi	02/05/1972	BHMS 1998(MG Uty)	09/10/2003		09/10/2003	15/10/2013		2002 Regulation
3	Dr.Shiny Mathew	31/05/1974	BHMS 1999	02/04/2004		02/04/2004			2002 Regulation

			(Mangalore Uty)						
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2 Department of Community Medicine (1-1-1)

Sl.No	Name	DOB	Qualification	Date of Entry in Service	Tutor	Lecturer	Reader	Professor	Remarks
1	Dr.Darsana Balakrishnan	15/02/1973	BHMS 1998(Kerala Uty)	09/01/2004		09/01/2004	15/01/2014		2002 Regulation
2	Dr R Sindhu	11/01/1976	BHMS 2002 (Kerala Uty)	29/07/2006		29/07/2006			2002 Regulation On LWA for 20/04/2011 to 01/10/2011 and 5 years from 02/09/2015
3	Dr S Sareesh	31/05/1975	BHMS 2002 (MG Uty)	05/08/2006		05/08/2006			2002 Regulation LWA for 1 year and 86 days from 12/11/2009 to 05/02/2011 for joining NRHM


PVC & Registrar I/C

Sanjay Kaul IAS
SECRETARY TO GOVERNMENT



FINANCE DEPARTMENT
Government of Kerala

Date.....

D.O Letter No. 1336040/HLT-B1/110/2019-FIN dated : 17/03/2020

Dear *Madam,*

Please refer to the decision in the meeting convened by the then Chief Minister on 31/08/2011 to implement CCH pattern in Sree Vidyadhiraja Homoeo College, Nemom. As per the decision, Health and Family Welfare Department had issued Government Orders for implementation of CCH pattern, by creating necessary posts in each Department as specified in the CCH regulations, with the concurrence of Finance Department and approval of Council of Ministers, in 2011 and 2012 and as such the decision taken in the meeting convened by the former Chief Minister was fully complied for SVRH Medical College, Nemom. The same staff pattern was sanctioned in other two aided colleges in the State (namely Padiyar Memorial Homoeo Medical College, Chottanikara and Athurashramam N.S.S Homoeo College Kurichy, Kottayam) during 2011-2012. (ie; without retrospective effect from the date of DPS Agreement). At that time there were writ petitions pending (filed from 2006 onwards) before Hon'ble High Court, filed by various staff of SVRHM College with various pleas, including that for implementation of CCH pattern. The Hon'ble High Court passed common judgement dated 13/03/2015 in W.P. (c) 18669/2006 and connected 10 cases directing to implement CCH

pattern with effect from 01/09/2002, the date of effect of Direct Payment Agreement, based on the decision taken in the meeting convened by the then Hon'ble Chief Minister. The fact that CCH pattern has already been implemented in the case of SVRHM College through Government Orders in 2011 and 2012 was not brought to the notice of Hon'ble High Court in time, which resulted in the above judgement giving retrospective effect from 01/09/2002 causing huge financial commitment to Government. Even though Government preferred W.A. No.2498/2015, and SLP 14950 and 14951/2016, both were dismissed on technical ground (ie; on ground of delay in filing appeal) and the Hon 'ble Courts have not considered the case on merit. In compliance of the judgment dated 13.3.2015 in W.P. (C).No.18669/2006 and connected cases, Government issued G.O. (Rt)No.473/2016/Ayush dated 24.09.2016. As per the directions contained in the above G.O., the Manager, Sree Vidyadhiraja Homoeopathic Medical College submitted proposal for approval of appointment and University approved the appointment of teaching staff vide its Order No. 6772/AC1/Gen/A3/15/KUHS dated 04.08.2018.

As per Rule 10(i) of the Rules of Business of the Government of Kerala, no Department shall, without previous consultation with Finance Department, authorise any order (other than orders pursuant to any general delegations made by Finance department), which either immediately or by their repercussions affect the Finances of the State. Also as per Rule 26, when the subject of a case concerns more than one Department no order shall be issued, nor shall the case be laid before the Council of Ministers, until it has been considered by all the Departments concerned, unless the

case is one of extreme urgency. Though the implementation of G.O. (Rt)No.473/2016/Ayush dated 24.09.2016 involved huge financial commitment, it had not been issued with the concurrence of Finance Department and with the approval of the Council of Ministers, as required as per Rules of Business of Government of Kerala.

As per the judgement of the Hon'ble Supreme Court of India in M/s MRF Ltd. Vs Manohar Parikar and others, (2010 (11) SCC 374) " **Business Rules framed under the provisions of Article 166(3) of the Constitution are mandatory and must be strictly adhered to. Any decision of the Government in breach of these Rules will be a nullity in the eyes of Law**"(Para 63). Also as per Para 68 of the judgment," Thus from the foregoing, it is clear that, a decision to be decision of the Government must satisfy the requirements of the Business Rules framed by State Government under the provisions of Article 166(3) of the Constitution of India. In the case on hand, as have been noticed by us and the High Court, the decisions leading to the notifications do not comply with the requirements of the Business Rules framed by Government of Goa under the provisions of Article 166(3) of the Constitution and the Notifications are the result of the decision taken by the Power Minister at his level. The decision of the individual Minister cannot be treated as the decision of the State Government and the Notifications issued as a result of the decision of the individual Minister which are in violation of the Business Rules are void ab initio and all actions consequent thereto are void". The Hon 'ble Supreme Court further added that the fact that the decisions taken by the Minister alone were acted upon by

issuance of Notification will not render their decisions of the State Government even if the State Government chose to remain silent for a sufficient period of time or the Secretary concerned to the State Government did not take any action under Rule 46 of the Business Rules. In the light of the above law declared by the Hon 'ble Supreme Court, G.O.(Rt).No.473/2016/Ayush dated 24.09.2016 has no legal sustainability and is void ab initio.

As per the agreement executed for the implementation of Direct Payment System in Sree Vidyadhiraja Homeo College, Nemom, there shall be a selection committee for the appointment of teaching staff and non teaching staff

Clause 6(i) There shall be a Committee for selection of teaching staff for appointment in the Institution (hereinafter referred to as 'the Selection Committee for the Teaching Staff')

Clause 6(ii) The Government shall determine who are the categories of officers and employees coming under the term 'Teaching Staff' in this clause and the decision of the Government thereon shall be final and legally binding on the Educational Agency.

Clause 7(i) All future appointments to the teaching staff of the institution whether provisional or permanent shall be made by the Educational Agency only from the list of persons prepared by the Selection Committee for the Teaching Staff, according to the rank assigned by that Committee.

As per Clause 26 of the agreement, The Educational Agency shall be responsible and liable for the due and prompt observance of and compliance with all terms and conditions of this agreement, except those which are to be observed by the Government.

It is obvious from the DPS agreement that prior approval of the selection committee is necessary for appointment of faculties. No such selection committees have been constituted for appointment in Sree Vidyadhiraja Homoeo college. Thus the appointments without the approval of Selection Committee, which is in violation of DPS agreement cannot be said to be valid appointments.

As per Section 58 of Kerala Health University Act 2010, except as otherwise provided in this Act, the provisions of sections 51 to 68 of the Kerala University Act 1974 in respect of the Affiliated private aided colleges affiliated to the University are applicable. As per section 57 of the Kerala University Act 1974, appointments to the posts eligible to receive salary shall be made only against the posts sanctioned by Government or by such officers as may be authorised by Government. In the case of Vidyadhiraja Homoeo college, no such post creation orders are issued, with the concurrence of Finance Department or Council of Ministers. As per the judgement dated 16.10.2019 in W.A.No.2164/2018, Hon'ble High Court has ordered that Governments obligation to pay salary is in respect of posts which are sanctioned by the Government or Competent officer.

In the meeting convened by the then Chief Minister on 31.8.2011, it was decided to implement CCH pattern in Sree Vidyadhiraja Homoeo College. As such, while fixing the staff pattern, the staff pattern as per CCH regulations issued from time to time needs to be considered. But, G.O. (Rt).No.473/2016/Ayush dated 24.09.2016 was issued without considering the staff pattern as per CCH regulations 2013.

In the light of all the above, the opinion of Law Department was sought regarding sustainability of G.O.(Rt).No.473/2016/Ayush dated 24.09.2016, specifically on the basis of the judgement of the Hon'ble Supreme Court of India in M/s MRF Ltd Vs Manohar Parikar and others (2010 (11) SCC 374) and the Law Department has advised to cancel the G.O(Rt).No.473/2016/Ayush dated 24.09.2016. Hon'ble Minister Finance has ordered to take necessary steps to get the G.O. (Rt).No.473/2016/Ayush dated 24.09.2016, cancelled.

A uniform pattern has to be adopted in all the three aided colleges so as to avoid further claims from other aided colleges on this aspect to protect the interest of Government. For the reasons stated at preparas and as advised by Law Department, I am to request you to bestow your personal attention in the matter and take urgent necessary steps to issue a speaking Government Order cancelling G.O. (Rt)No.473/2016/AYUSH dated 24/09/2016 incorporating all the afore mentioned relevant points. I am also to request you to take necessary steps to cancel the Order No.6772/AC1/Gen/A3/2015/KUHS dated 04/08/2018 of the Kerala University of Health Sciences and subsequent orders if any issued based on

the above order dated 04/08/2018 since this order was issued on the basis of G.O.(Rt)No.473/2016/AYUSH dated 24/09/2016. Necessary steps may also be taken to constitute a Selection Committee strictly as per Direct Payment Agreement and to ensure that those appointments made on or after 21/06/2003 (date of execution of Direct Payment agreement), were in tune with the approved qualification and age, direct the Manager to furnish fresh proposal fixing the staff pattern strictly as per CCH regulations from time to time placing the teachers in each Department according to their seniority, with the approval of the Selection Committee and then forward the proposal which is strictly in accordance with CCH pattern including the names of teaching faculties who are eligible in all respects, for concurrence of Finance Department and approval of Council of Ministers, with all relevant documents. The staff pattern as approved in 1983, 2002 and 2013 should be strictly followed while submitting the proposal. Urgent necessary action may be taken in this regard and the draft of the G.O. to be issued on the above lines may be shown to Finance department also.

With regards,

Yours Sincerely



SANJAY KAUL

Dr. Sharmila Mary Joseph IAS
Secretary,
Department of Ayush.

LEGAL OPINION

Ref: Letter No. B2/171/2015/AYUSH dated 23-03-2021

WP(C) No.18669/2006 was filed by Teaching /Non-Teaching staff of the Sree Vidhyadhiraja Homoeopathic Medical College Thiruvananthapuram seeking to quash Ext.P7, P13, P15 and P16 to the extent they did not sanction Staff Pattern of Central Homoeopathic Council w.e.f. 01.09.2002 and to direct the respondents to implement staff pattern for the college in conformity with the Homoeopathic (Minimum Standards of Education) Regulations, 1983 as amended by Homoeopathic (Minimum Standards of Education) Amendment Regulation, 2002 and for other incidental and consequential reliefs. The above Writ Petition was heard along with connected cases and disposed of by common judgment dated 13.03.2015 with the following directions.

- 1) The Manger shall send the proposal to workout decision within a period of one month through the Principal and Controlling Officer.
- 2) On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the approval of the staff pattern.
- 3) The staff pattern shall be implemented with effect from 01.09.2002, the date on which the direct payment system was introduced.
- 4) The Government shall take the action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer.
- 5) The interim order passed in respect of the payment of the salary to various writ petitioners will continue till the Government takes a decision.
- 6) Based on the approval of staff fixation, the University shall take a decision to approve the appointment of the petitioners within three months.
- 7) The entire arrears and monetary benefits shall be released without any delay.

8) The impugned orders are set aside.

The above judgment was challenged in W.A. No.2498/2015 before the Division Bench of the Hon'ble High Court of Kerala. The above Writ Appeal was dismissed by judgment dated 01.03.2016. The dismissal of the W.A. No.2498/15 by the common judgment dated 01.03.2016 was consequent on the dismissal of C.M. Appln. No.1360/15. The Division Bench noted that the judgment under Appeal was already been confirmed by another Division Bench of the Hon'ble High Court of Kerala in the judgment dated 11.08.2015 in W.A No.1546/15 and connected cases, in which the State was a party. The State challenged the judgment dated 01.03.2016 in W.A. No.2498/15 before the Hon'ble Supreme Court in SLP No.14950/2016 and the Hon'ble Supreme Court dismissed the same by Order dated 16.08.2016. After the dismissal of the above SLP, the Secretary, Ayush Department issued GO(Rt) No.473/2016/Ayush dated 24.09.2016 ordering that the teaching and non-teaching staff pattern of the college shall be to the extent of Regulations of Central Council of Homoeopathy in vogue on 01.09.2002, i.e., the date on which the Direct Payment System was introduced in Sree Vidhyadhiraja Homocopathic Medical College and accordingly approved for implementation of staff pattern as detailed in Table 1 to 4 subject to overall limit prescribed category-wise as per Central Counsel for Homoeopathy Norms, 2002.

The Secretary, Ayush Department issued GO(Rt) No.473/2016/Ayush dated 24.09.2016 after the dismissal of the SLP No.14950/2016 in partial compliance of the directions contained in the common judgment dated 13.03.2015 in WP(C) No.18669/2006. The GO(Rt) No.473/2016/Ayush dated 24.09.2016 was apparently issued under the threat of Contempt of Court Case filed before the Hon'ble High Court as CC(C) Nos.1619/2015, 1630/15, 1629/15 and 1843/15. By interim order dated 13.06.2016 in the above Contempt of Court Cases the Hon'ble High court ordered to comply the judgment dated 13.03.2015 on or before 20.07.2016 subject to the final outcome of the SLP. Since the SLP filed by the State was dismissed by

Order dated 16.08.2016, the Secretary issued G.O. dated 24.09.2016 in partial compliance of the directions issued by the Hon'ble High Court in judgment dated 13.03.2015 in WP(C) 18669/2006 and connected cases. The above factual position was appraised to the Division Bench of the High Court by which the contempt of Court Case No. 1610 of 2015 and connected cases were dealing on 11-11-2016. The Division Bench expressed their displeasure in partial compliance and directed the Special Government Pleader to fully comply with the judgment and report compliance as otherwise, the appearance of the Secretary will be ordered. The above fact was intimated by the Special Government Pleader as per his letter dated 14-11-2016. However, the above Contempt of Court cases are not listed for hearing after 06-01-2017.

The Finance Department thereafter issued Government Letter No.1336040/XLT-D1/110/2019-Fin dated 17.03.2020 suggesting to cancel the G.O. dated 24.09.2016 for the reason that the above G.O. was not issued with the concurrence of the Finance Department or with the approval of the Council of Ministers of the State as required as per the Rules of Business of Government of Kerala. The remarks of the Finance Department in the letter dated 17-03-2020 is that, the above G.O. dated 24.09.2016 has to be cancelled as it was issued without the concurrence of the Finance Department and the same is not in par with the provisions contained in the Rules of Business.

According to Rule 10(i) of the Rules of Business of the Government of Kerala, no department shall, without the previous consultation with the Finance Department authorize any orders (other than orders pursuant to any general delegations made by Finance Department) which either immediately or by their repercussions affect the finances of the State. Rule 26 of the Rules of Business provides that when subject of a case concerns more than one department, no orders shall be issued nor shall the case be laid before the Council of Ministers until it has been considered by all the departments concerned unless the case is of extreme emergency. Since

sanctioning of posts have financial repercussions and affect the finances of the State, consultation with the Finance Department was mandatory before issuing the G.O. dated 24.09.2016 as provided in the Business Rules. The provisions contained in the Business Rules framed under Article 166(3) of the Constitution are mandatory and must be strictly adhered to. Any decision of the Government in breach of these rules will be a nullity in the eye of law. It has been so held by the Hon'ble Supreme Court in **M/s. MRF Ltd. Vs. Manohar Parrikar and Others** reported in **2010 (11) SCC 372**. However, the Government Order dated 24-09-2016 was issued without consultation of the Finance Department and without placing the same before the Council of Ministers due to the threat of Contempt of Court Cases pending before the Hon'ble High Court and due to the time limit prescribed by the Hon'ble High Court in Contempt of Court Cases.

In the letter No.B2/171/2015/Ayush dated 23.03.2021 the Secretary to Government, Ayush Department explained the circumstances which led to the issuance of GO(Rt) No.473/2016/Ayush dated 24.09.2016 without the consultation of the Finance Department that it was under the threat of Contempt of Court Cases initiated against the respondents pursuant to the dismissal of SLP filed by the Government. In the G.O. dated 24.09.2016 it has been specifically mentioned that Government Order approving staff pattern will be based on the receipt of the approval of the Kerala University of Health Sciences and the Government shall expeditiously examine it in consultation with the Law and the Finance Department and will issue orders granting consequential arrears due to the employees in the State Pay Scale only thereafter. Therefore, the condition incorporated in the G.O. dated 24.09.2016 make it abundantly clear that the financial resources of the State will be affected only after the consultation of the Finance Department and Law Department and the implementation of the G.O. dated 24.09.2016 will be subject to consultation of the Finance Department and Law Department and the GO is only in partial compliance of the judgment.

Therefore, it is evident that G.O. dated 24.09.2016 was issued only to get over the Contempt of Court Cases.

The above G.O. dated 24.09.2016 was stated to be acted upon by the Hon'ble High Court in various cases including Contempt of Court Cases. Since the G.O. dated 24.09.2016 was acted upon by the Hon'ble High Court as stated in the letter dated 23.03.2021 of the Secretary, Ayush Department, if the above G.O. dated 24.09.2016 is withdrawn/cancelled that will be an interference with the due process of the Court. In case the Government want to withdraw the above G.O. dated 24.09.2016 the permission of the High Court is necessary as it is already been acted upon by the Hon'ble High Court as otherwise it will amount to Contempt of Court.

In the judgment of the learned Single Judge what was directed to be implemented is the decision of the meeting held on 31.08.2011 regarding staff pattern to be followed in the College. Yet another decision was taken on 14.02.2013 in the meeting agreeing to follow the staff pattern of Central Council of Homoeopathy and the same was taken note of by the learned Single Judge. The direction was to implement the staff pattern of Central Council of Homoeopathy which is binding on the Government. After the implementation of the staff pattern by the Central Council of Homoeopathy and after the dismissal of the SLP by the Hon'ble Supreme Court the State has no option but to implement the staff pattern of Central Council of Homoeopathy as directed in the judgment dated 13.03.2015 of the learned Single Judge. The G.O. dated 24.09.2016 is in implementation of the judgment of the learned Single Judge and therefore it is an extraordinary circumstance compelling the Secretary to implement the judgment under the threat of the Contempt of Court Case within the time-frame. It is true that consultation with the Finance Department is a mandatory requirement under the Business Rules and that can be waived if it is of an extreme emergency case. The procedure in the Business Rules was not followed at the time of passing G.O. dated 24.09.2016 under the threat of Contempt of Court Case as it was an extreme emergency case. However the Government

Order itself provides that the monitory benefits will be sanctioned only with consultation with the Finance and Law Department and the Administrative Department will issue orders granting consequential arrears only after the consultation with the Finance and Law Department.

It is relevant to note that even if the procedure of consultation with Finance Department was followed, the implementation of the judgment of the learned Single Judge cannot be on a different way as that of the G.O. dated 24.09.2016. There will not be any material change in implementing the judgment even after the G.O. was issued in consultation with the Finance Department and Law Department. Though the G.O. dated 24.09.2016 was issued without consulting the Law Department and Finance Department, further orders can be issued by the Administrative Department after consulting with the Finance Department and Law Department as the G.O. dated 24.09.2016 is conditional upon to consult Finance and Law Department for implementation of the same. The cancellation of GO dated 24-09-2016 and issuing a new Government Order incorporating the very same conditions after consultation with the Finance and Law Department will be futile exercise .

The cancellation of G.O. dated 24.09.2016 at this distance of time after the same is acted upon by the High Court will be very difficult for the reason that as the G.O. is acted upon by the High court it will invite Contempt of Court Case.

Rule 26 of the Business Rules provides an exemption in the case of extreme emergency. The threat of Contempt of Court Case is an extreme emergency and that can be taken as an exception in accordance with Rule 26 of the Business Rules. Since G.O. dated 24.09.2016 was not placed before the Council of Ministers the same can be placed before the Council of Ministers for approval/ratification.

In the circumstances I am of the considered opinion that since the G.O. dated 24.09.2016 was acted upon by the Hon'ble High Court it is difficult to recall the same at this distance of time. The above G.O. can be

cancelled only after obtaining permission of the Hon'ble High court in the cases in which the same was acted upon by the High Court. Since the G.O. dated 24-09-2016 itself provides for consultation with the Finance Department and Law Department for implementing the same and for disbursing the monitory benefits, the Administrative Department can issue appropriate Government Orders after consulting with the Finance Department and Law Department in full compliance of the judgment of the Hon'ble High court in WP(C) No.18669/2006 and connected cases. G.O. dated 24.09.2016 can be placed before Council of Ministers for their approval/ratification along with the Government Order to be issued after consulting with the Finance Department and Law Department for full compliance of the Judgment.

Dated this the 16th day of June, 2021.



ANTONY MUKKATH
SENIOR GOVERNMENT PLEADER

L/K/D6

Annexure 13

LEGAL OPINION

in

W.A No. 2498/ 2015

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Ref: Letter No. HLT-B1/110/2019-FIN-1336040, Finance (Health-B) Department, dated 29.07.2022.

As per my Legal Opinion dated 16.06.2021, I opined as follows;

"In the circumstances I am of the considered opinion that since the G.O. dated 24.09.2016 was acted upon by the Honourable High Court it was difficult to recall the same at this distance of time. The above G.O. can be cancelled only after obtaining permission of the Honourable High Court in the cases in which the same was acted upon by the High Court. Since the G.O. dated 24.09.2016 itself provides for consultation with the Finance Department and Law Department for implementing the same and for disbursing the monitory benefits, the Administrative Department can issue appropriate Government Orders after consulting with the Finance Department and Law Department in full compliance of the judgment of the Honourable High Court in W.P.(C) No. 18669/2006 and connected cases. G.O. dated 24.09.2016 can be placed before Council of Ministers for their approval/ratification along with the Government Order to be issued after consulting with the Finance Department and Law Department for full compliance of the Judgment."

Thereafter, the Additional Chief Secretary, Finance (Health-B) Department issued above letter dated 29.07.2022 stating that;

"Meanwhile, Dr. Krishnakumar. M., and Dr. Shalini G. Unnithan, two teaching staff of Sree Vidyadhiraja College, filed W.P.(C)s read 4th above.

seeking relief for drawal and disbursement of their salary and its arrears, as approval had been granted by the KUHs vide proceedings read 2 above based on Government Order read 1st above and obtained favourable orders, vide judgments read 5th above. Against the verdict of the Honourable High Court in the said W.P.(C)s, Finance Department approached the Honourable Supreme Court, vide SLPs-SLP(C) No. 27213/2019 and SLP(C) No. 10603/2020. The Supreme Court, vide orders read (6) & (7) above, had stayed both the impugned orders of the High Court. In both the SLPs before the Honourable Supreme Court, Finance Department raised doubts on the legal sustainability of G.O. & Proceedings cited above and obtained stay orders on Honourable High Court order. Hence, the sustainability of the said orders (G.O. & Proceedings) seem sub judice, before the Honourable Supreme Court through the SLPs filed by Finance Department and the interim orders delivered by the Honourable Supreme Court thereon. On searching the website of Honourable Supreme Court, it is seen that the said cases are live now.

Any relook for reconsidering the stand of Government and the scope of ratifying actions with cabinet approval regarding the violations of rules of business involved, could be proceeded with only after knowing the current status of the SLP filed. It would be appreciated if we could ascertain the current status of the Counter Affidavit filed. In the light of the cases pending before the Honourable Supreme Court, I am directed to request you to offer your valuable advice whether G.O.(Rt.) No. 473/2016/Ayush dated 24.09.2016 can be ratified by the Cabinet at this point of time, given the fact that the aforesaid SLPs are pending before the Honourable Supreme Court and interim stay orders were delivered by the Honourable Supreme Court on the impugned orders of the Honourable High Court."

The W.P.(C) No. 35745/2018 is filed by Dr. Krishna Kumar seeking to direct the respondents 1 to 3 to sanction, draw and disburse the salary and its arrears due to the petitioner on the post of Reader for which approval was already granted by the 4th Respondent through Ext. P4 forthwith and for other

consequential reliefs. In the above Writ Petition the learned Single Judge passed an Interim Order dated 25.07.2019 directing the Respondents 1 and 2 and the additional 6th Respondent to see that the current salary is paid to the petitioner and the party respondent in W.P.(C) No. 35561/2018. It was made clear that the disbursement would be subject to the result of the Writ Petition. The above Interim Order was challenged in Writ Appeal No. 1977/2019 and connected cases. The Writ Appeals were dismissed by Judgment dated 09.10.2019. Against the Judgment dated 09.10.2019, the State filed SLP (C) No. 27213/2019 and SLP No. 10603/2020. In the above SLPs, the Honourable Supreme Court passed an Interim Order ordering in to the Stay of impugned judgment until further orders. The issue raised and agitated in the above W.P.(C) No. 35745/2018 is at large as W.P.(C) No. 35745/2018 is still pending. The Interim Order passed by Honourable High Court directing to sanction the salary to the petitioners is stayed by the Honourable Supreme Court as per Orders in the SLPs. Therefore, the Government is not obliged to disburse the salary to the petitioners in the W.P.(C) No. 35745/2018 and W.P.(C) No. 35561/2018.

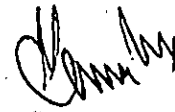
One of the questions of law framed in above SLP's is that "Whether the Hon'ble Division Bench had not failed to appreciate that as per Section 57 of the Kerala University Act, 1974, appointments to the posts eligible to receive salary from the Government shall be made only against the posts sanctioned by Government or by such officers as may be authorised by Government and in the case of Sree Vidhyadhiraja Homoeopathic Medical College, no such orders of post creation with concurrence of Finance Department and also with the approval of the Council of Ministers, as required according to Rules of Business of the Government of Kerala, has been issued so far and therefore, approval of appointment of teaching faculty of Sree Vidhyadhiraja Homoeo College by the Kerala University of Health Science without such a Government Order is prima-facie invalid?".

In view of the above specific ground raised in the SLP, I am of the considered view that ratification of G.O.(Rt.) No. 473/2016/Ayush dated

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24.09.2016 by the Cabinet may be deferred till a decision is taken in the above
SLP No. 27213/2019 and 10603/2020.

Dated this the 2nd day of December, 2022.



ANTONY MUKKATH
SENIOR GOVERNMENT PLEADER

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WP(C) Nos.11018 of 2019 & Connected cases

JUDGMENT

Dated this the 14th day of March, 2025

[WP(C) Nos.35237/2009, 11018/2019, 25113/2019,
25138/2019, 26976/2019, 30913/2019, 30892/2019,
35561/2018, 35745/2018, 31589/2019, 31613/2019,
40417/2022]

Captioned writ petitions are preferred by the teaching faculties of Shree Vidyadhiraja Homeopathic Medical College and Hospital, Nemom. The grievance voiced in all these writ petitions except W.P.(C)No.35561 of 2018 is the non disbursement of salary and other benefits though their appointments against the posts were sanctioned by Government and the appointments were approved by the Governing Council of the Kerala University of Health Science in accordance with the directions of this Court in common Judgment dated 13.03.2015 in WP(C) No.7689 of 2015 and connected cases. For the purpose of convenience, I prefer to narrate the facts and circumstances in WP(C) No.11018/2019.

2. The petitioners in all these writ petitions are qualified Homeopathic Medical Practitioners working as



2025:KER:21911

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WP(C) Nos.11018 of 2019 & Connected cases

Teaching Faculties under various capacities in different departments of the 5th respondent Homeopathic Medical College. The 5th respondent Medical College was brought under Direct Payment System ('DPS' for short) with effect from 01.09.2002 on execution of agreement between the State and the Management on 21.06.2003. As per the terms of the agreement and the provisions in DPS, the Government became the Pay Master. Even then the wages were not paid to the staff of the College. The issue relating to sanction of posts, approval of appointments, and payment of salary, were taken up before the Government. Accordingly, meetings were held in the presence of the Chief Minister of Kerala, Minister of Health and Family Welfare Department, Principal Secretary Health and Family Welfare Department, Controlling Officer and Principal, Government Homeopathic Medical College, Thiruvananthapuram and all the stakeholders including the representatives of the Manager and the teaching and non-teaching faculties.



WP(C) Nos.11018 of 2019 & Connected cases

3. In the meeting held on 31.10.2011, a resolution was taken to follow the staff pattern under the regulations issued by the Central Council for Homeopathy. The resolution with respect to payment of salary and other allowances at the earliest was taken in the said meeting. At a subsequent meeting held on 14.02.2013, the Chief Minister of Kerala presided and resolved to disburse the salary with immediate effect. The Principal Secretary was given the charge of considering the education qualifications of the incumbents to pass appropriate orders, which is evident from Ext.P3.

4. Even that was not acted upon. Accordingly, the teaching and non teaching staffs of the 5th respondent college constrained to move this Court. Accordingly, writ petition No.18669 of 2015 and connected matters were preferred before this Court. By common judgment dated 13.03.2015, this Court has, categorically, disposed of the writ petitions by Ext.P4, wherein it was recorded that the Central Council for Homeopathic Regulation would govern the institution. Furthermore, upon recording the undertaking by the



WP(C) Nos.11018 of 2019 & Connected cases

Government Pleader that the Government would abide by the decisions taken in the meeting and that a proposal would be forwarded, the Government would sanction the post.

Accordingly, the following directions were issued.

I. The manager shall send the proposal to workout decision within a period of one month to the Principal & Controlling Officer.

II. On receipt of the proposal, the Principal & Controlling Officer, without any delay, shall forward the same to the Government for the approval of the staff pattern.

III. The staff pattern shall be implemented with effect from 01.09.2002, the date on which Direct Payment System was introduced.

IV. The Government shall take action to implement its decision in the light of proposal within two months after receipt of the same from the Principal & Controlling Officer.

V. The interim order passed in respect of payment of salary to various writ petitions to continue till the government takes a decision.

VI. Based on the approval of staff fixation, the University shall take a decision to approve the



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appointment of those petitioners within three months.

VII. The entire arrears and monetary benefits shall be released without any delay.

5. Even thereafter, the said judgment was taken in appeal before the Division Bench by the State. However, that was dismissed and the judgment rendered by the learned Single Judge was upheld. Thereafter, the Government approached the Apex Court by preferring a Special Leave Petition. The SLP was also dismissed by order dated 16.08.2016.

6. As a result of the dismissal of the SLP based on the finding that Ext.P4 judgment had become final, the Government issued Ext.P5 GO(Rt) No.473/2016/Ayush/2016, and thereby sanctioned the staff pattern in accordance with the Central Council of Homeopathic Regulations, 1983 and 2002. That was extant regulations at the relevant period. Thereby clarified that the teaching and non-teaching staff appointed upto 10.09.2002 will be governed by the 1983 Regulations and those appointed after 11.09.2002 will be governed by the



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Regulations of Central Council of Homeopathic Medicine 2002.

The manager was directed to forward the proposal for appointment of qualified individuals to Kerala University of Health Sciences for the approval after due scrutiny of the qualifications in accordance with Central Council of Homeopathic Guidelines within the stipulated period of three months.

7. Accordingly, upon forwarding the approval by the University, the Government has to consult Finance and Law Department to disburse the consequential arrears in the pay band implemented from 01.09.2002, till date to the eligible appointees.

8. In the light of Ext.P5 order and direction, the Kerala University of Health Science, the Governing Council of the University verified the proposal forwarded by the Manager and also scrutinized the qualifications possessed by the candidates and approved the proposal of appointment of 43 teaching staff i.e., 13 Professors, 15 Readers and 15 Lecturers. The list of incumbents, whose appointments were approved by the



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University were appended to its order, that is available in Ext.P6. All the petitioners in the captioned writ petitions are included in Ext.P6 list and their appointments were approved with their respective dates.

9. Despite the sanctioning of posts and approval of appointments in accordance with Ext.P4 judgment and consequential order as per Ext.P5, no further orders were issued by the Government sanctioning the pay and other benefits.

10. However, WP(C) No.35561 of 2018 is preferred impugning Ext.P5 and P6, the consequential orders issued by the Government as well as the Kerala University of Health Sciences, only on the background of the assignment of *inter se* seniority among the petitioner and three other tutors, namely, Dr.Rekhachandran, Dr.K.N.Usha and Dr. Seema from the Department of Materia Medica under the 5th respondent College. The petitioner is also from the same Department.

11. The learned Special Government Pleader for Finance opposed the contentions in all the writ petitions on the



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background that Ext.P4 order lacks the consultation or ratification by the Finance Department of the Government. It is stated that Ext.P5 is void since the concurrence of the Finance Department has not been obtained. Such contention is taken on the basis of Rule 10(1) of the Rules of Business of Government of Kerala which states no department shall without previous consultation with the Finance Department authorize any orders (other than the orders pursuant to any general delegation made by the Finance Department) which either immediately or by their repercussion will affect the finance of the State.

12. In order to decide the issue, I have to consider various issues; primarily the qualification of the petitioners; then the regulations by the Central Council of Homeopathy Regulations and its impact and then the directions in Ext.P4 judgment and its finality. Thereafter, the issue raised by the learned Special Government Pleader with respect to the consultation with the Finance Department of the Government as per the rules of Business of Government of Kerala.



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13. The essential qualification for the Lecturer in Homeopathy subjects prescribed was Post Graduate qualification in Homeopathy or a degree in Homeopathy with four years of professional experience. The age limit prescribed is not more than 35 years on the last date of receipt of application for the post with a relaxation upto 5 years for exceptionally qualified persons with prior approval of the University concerned. In any of the case, the University is the authority to decide the qualification with respect to the petitioners. However, the University has not raised any dispute with respect to the qualification of the petitioners and forwarded Ext.P6 approval to the Government. Hence that issues need not be deliberated in this case.

14. The other contention is with respect to the impact of Homeopathy Regulations. In that regard it is contended that the Homeopathy Central Council Act, 1973 was enacted by the Parliament and received the assent of the President of India on 19.12.1973 and was published in the Gazette of India Extraordinary Part II, Page No. 683 dated 20.12.1973. The



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said Act was promulgated to make out provisions for obtaining prior approval of the Central Government for establishing Homeopathy Medical College and for increasing number of seats for introducing new or higher course of study, recognition of Homeopathic Medical College and also to prescribe minimum standards of education in the Homeopathy Medical College in the Country by providing uniform standard of Homeopathy practices and to regulate the registration of Homeopathy Practitioners.

15. The said regulation also provides for regulation of standards of medical education, practice and regulation of staff, i.e., teaching and non-teaching in the Colleges. Section 20 of the Act provides for minimum standards of education which is to be ensured by issuance of regulations with previous sanction of the Central Government and by notification in the official Gazette. Section 33 of the Act empowers the Central Council with previous sanction of the Central Government to make regulations notified in the official Gazette. It was in accordance with Section 33 and 20 of the Act, whereby the



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regulations were framed. The Homeopathic Central Council Act, 1973 was enacted by the Parliament in exercise of its powers under Entry 66 of List I of the VIIth Schedule of the Constitution. The Homeopathic Central Council Act, 1973 and the Regulations framed thereunder are binding on the State. Recognition of the Homeopathic Medical College, the recognition of the course and seat to be allowed in each courses are regulated by the Central Council for the Homeopathy and the Regulations framed thereunder are binding on the State Government as in the case of Medical Council of India and the regulations framed by them. This position has been clarified by the Hon'ble Apex Court in **Srivastava and Another v. State of Madhya Pradesh and others** [1999 (7) SCC 120]. The situation is similar to that of University Grants Commission Act and All India Council for Technical Education Act 1987.

16. This part is already admitted by the Government, as evident in Ext.P3, the minutes of the meeting held on 14.02.2013, wherein it was resolved that the Central Council of



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Homeopathic Regulations 1983 and 2002 govern the sanction of posts and the approval of appointments for both teaching and non-teaching staff, which is an admitted fact in Ext.P4 judgment. The proposal forwarded by the Manager of the 5th respondent College was in compliance with the Regulations. Accordingly the 1st respondent Government by Ext.P5 Government Order dated 24.09.2016 sanctioned the staff strength in accordance with the Central Council of India Regulations 1983 and 2002. In tune with the same, University has also approved the appointments in terms of the Central Council of Homeopathy Regulations 1983 with respect to the appointments carried out from 1983 to 01.09.2002 and thereafter from 11.09.2002 in terms of 2002 Regulations.

17. However these issues with respect to Regulations were not raised by the Government while objecting the prayers in the writ petitions. The only issues raised were with respect to the finality of Ext.P4 judgment and the sustainability of Ext.P5 order in the light of the Rules of Business of the Government of Kerala especially under Rule 10(1) and Rule 26.



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18. The learned counsel for the petitioners primarily contended that Ext.P4 judgment in WP(C) No.18669/2006 and connected cases dated 13.03.2015 had become final, as the Writ Appeal preferred before the Division Bench by the State was dismissed whereby Ext.P4 judgment was upheld. Thereafter the judgment of the Division Bench was taken up before the Hon'ble Apex Court. By order dated 16.08.2016, the SLPs preferred against those WA judgments were dismissed. Thereby Ext.P4 judgment become final and the State cannot turn around question the nature of judgment. Moreover, in compliance with the directions and on finding that Ext.P4 judgment became final, the Government issued Ext.P5 order. The said order was issued after complying with the formalities contemplated under Ext.P4 judgment in tune with the Central Council of Homeopathy Regulations. Thereby the Government is estopped from raising any objection in implementing Ext.P5 Government Orders.

19. In compliance with the directions in Ext.P4 judgment, the Government sanctioned the posts of the 5th



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respondent Homeopathic Medical College. The Kerala University of Health Science had approved the appointments of all the petitioners in the captioned writ petitions, after considering their respective merits with respect to their qualifications, age and other criteria specified in accordance with the Regulations 1983 and 2002 of the Central Council of Homeopathy Regulations.

20. The Governing Council of the University is empowered to approve the appointment of teachers in private and aided colleges under the Direct Payment System of the Government as per Section 23(XV) of the Kerala University of Health Science Act, 2010. The University accordingly scrutinized the qualifications of each candidate and approved the appointments of those individuals, whose names were included in Ext.P6 order dated 04.08.2018.

21. The approval of teachers appointed against posts is sanctioned by the Government in accordance with Section 57 of the Kerala University Act, 1974 since as per Section 58 of the Kerala University of the Health Science Act, 2010, the



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provisions of Section 51 to 68 of the Kerala University Act, 1974 would apply in case of private and aided colleges of the University. These provisions were also complied with insofar as the appointments were against the posts sanctioned by the Government and duly approved by the Governing Council of the Kerala University of Health Science Act. Therefore, it is contended that the appointments and approval of all the incumbents became final as objections were raised with respect to their eligibility in being appointed and in the light of the rejection of Special Leave to Appeal against the Division Bench judgment the entire issue became final.

22. What remains is the disbursement of salary, arrears and other allowances entitled to all the petitioners. In support of the contentions with respect to finality of the Ext.P4 judgment, the following decisions were brought to the notice of this Court. **X v. Union of India** [2023 KHC 6926], **Union of India & others v. Major S.P. Sharma & others** [2014 (6) SCC 351], **M/s. Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi**, [1980 (2) SCC 167].



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In X v. Union of India paragraph 19 it was held :

"It is trite law that once a judgment or order attains finality, a party seeking to challenge the decision rendered may do so only by taking recourse to one of the following.

- a) Invoking the jurisdiction of the Court to review the judgment or order.
- b) Preferring an appeal against the judgment or order (where an appeal lies); or
- c) In the case of the Supreme Court, filing a curative petition.

The reason for the availability of a limited number of routes by which a judgment can be challenged is that there must be a quietus to a dispute. Unlimited modes by which judgments or orders can be challenged would result in chaos, uncertainty and unpredictability. This is also the reason why an application for recall of an order or judgment cannot be entertained by this Court, save and except in exceptional circumstances such as where a party which is directly affected was not served with notice of the proceedings."

23. Similarly in **Union of India and others v. Major**

S.P. Sharma supra in paragraph 81 and 82 it was held :



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"81. Thus, the principle of finality of litigation is based on a sound firm principle of public policy. In the absence of such a principle great oppression might result under the colour and pretence of law in as much as there will be no end to litigation. The doctrine of res-judicata has been evolved to prevent such an anarchy.

82 In a country governed by the Rule of law, finality of judgment is absolutely imperative and great sanctity is attached to the finality of the judgment and it is not permissible for the parties to reopen the concluded judgments of the Court as it would not only tantamount to merely an abuse of the process of the Court but would have far reaching adverse effect on the administration of justice. It would also nullify the doctrine of stare decisis, a well established valuable principle of precedent which cannot be departed from unless there are compelling circumstances to do so. The judgments of the Court and particularly of the Apex Court of a country cannot and should not be unsettled lightly."

24. In **M/s.Northern India** cited supra, with respect to finality of judgment Justice V.R. Krishna Iyyer observed that further waking up the issue by filing a review where already review petition is dismissed is like "asking for the moon".



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25. The counsel argued on behalf of the petitioners also addressed the argument with respect to consultation with the Finance Department under Rule 10(1) and Rule 26 of the Rules of Business of Government of Kerala. It is after 10 years of passing of judgment dated 13.03.2015 the Government has come up with such objection in implementing the order passed in compliance with the direction of Ext.P4 judgment. In fact Ext.P4 judgment was passed after recording the submission by the learned Government Pleader on behalf of the State. At that time these contentions were not taken up on behalf of the State. In compliance with the directions in Ext.P4 judgment the proposal was forwarded by the Manager through the Principal & Controlling Officer and the posts were sanctioned by the Government and forwarded for the approval to the Kerala University of Health Sciences. By approval of such appointments by the Kerala University of Health Sciences, the only thing remaining is the disbursement of the salary and other financial benefits by the Government. In that regard Ext.P5 Government Order was issued by the Ayush Department in the Government of Kerala under Health and Family Welfare



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Department. Now by a volt face the Finance Department alone cannot come with a contention that Ext.P5 Government Order is not sustainable as it has not obtained the concurrence from the Finance Department.

26. Rule 10(1) of the Rules of Business of the Government of Kerala states "no department shall without previous consultation with the Finance Department authorise any order (other than orders pursuant to any general delegation made by the finance department) which either immediately or by their repercussion, will affect finance of the state." According to the petitioners, this contention based on Rule 10(1) will not sustain since Ext.P5 order was issued in compliance with directions in Ext.P4 which is a consensual order. The staff pattern was approved by the Government as the same is in accordance with the Central Council of Homeopathic Regulations 1983 and 2002. As per Part II Serial No.2 of the Rules of Business, the distribution of business between the department of Secretariat and the Ayush Department is included as second therein and all matters



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relating to educational institutions in Ayush under Government, including private and Aided, including allotment of new institutions, subjects and service matters of their staffs etc are the business of Ayush Department. The Finance Department has no role to play in the approval of staff pattern and appointment of teachers in colleges under direct payment system in Ayush Department. The role of Finance Department comes only when it affects the finance of the State.

27. In this case that only come with respect to granting of arrears with effect from 01.09.2002, the date on which the 5th respondent come under the Direct Payment System or from the date of appointment of the petitioners as in the case of petitioners herein. Even that power cannot be exercised since Ext.P4 judgment directed to sanction the staff pattern, posts and approval of the teachers by the University and on such sanctioning and approval, the entire arrears and monetary benefits are to be released and the judgment became final by the dismissal of SLP. Hence, the Finance



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Department cannot take a different stand against the directions in Ext.P4 judgment.

28. Similarly, Rule 26 of Rules of Business stipulates in case of extreme urgency the consultation and placing before the Cabinet could be overlooked. The compliance with the directions in the judgment of this Court, as upheld by the Division Bench, and the Apex Court itself, is an extremely urgent situation, which necessitated the issuance of orders by the concerned department. This is the circumstance in which the Ayush Department without consulting the Finance Department issued orders, on the strength of the directions of the Law Department in accordance with the directions in Ext.P4 judgment.

29. If the Government is of the opinion that Ext.P5 Government Order is bad, it had sufficient time and opportunity to cancel or rescind its own order on assigning sufficient reason, which has not been done till date or sought for any review or clarification of Ext.P4 judgment. In the absence of any such move, the government cannot take a



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different stand in complying with the directions in Ext.P4 judgment and implementation of Ext.P5 Government Order. The learned counsel for the petitioner argued that the decisions relied on by the Special Government Pleader in support of his contention are not sustainable. On accepting this contention after going through the following decisions pointed out by the learned Special Government Pleader for Finance, I am of the considered opinion that those decisions have no relevance in the case on hand.

30. The learned Special Government Pleader produced the decision of the Hon'ble Apex Court in **Manish Kumar v. Union of India and Another**[(2021) 5 SCC 1], **Union of India and another v. Karthick Chandra Mondal and Another**[2010 KHC 4031], **Rajendra Prataprao Mane and Others v. Sadashivrao Mandalik K.T.S.S.K.3 Ltd and Others**[2012 KHC 4182], **Bansal v. State of Rajasthan**[2003 KHC 697] and **MRF v. Manohar Parrikar and Others** [(2010) 11 SCC 374].



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31. In **MRF v. Manohar Parrikar and Others** (supra), it was held that where the Rules of Business contain prohibitive or negative words, they are indicative of the intent that the provision is mandatory; in matters relating to revenue or finance rigorous observance of the Rules is essential; when the cabinet alone is competent to take a decision or where the Finance Department has conveyed its disagreement or where there is no prior consultation with the finance department, the decision of the individual Minister is liable to be quashed; where the Rules of Business have not been complied with, then the decision/communication cannot be termed as a government decision and an individual functionary cannot bypass the Rules of Business and the requirement for certain matters to be placed before the Council of Ministers.

32. In **Bansal v. State of Rajasthan** (supra) it was held that till the advice of the council of ministers is accepted by the Governor, views of the Council of Ministers does not get crystallized into action of the State. On going by the contentions and on the basis of the aforementioned decisions,



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it appears that those decisions have no application since, I found that Ext.P4 judgment became final. Ext.P5 is the consequential order passed by the Government which need to be implemented. The challenge raised against such order by the Special Government Pleader, on the basis of violation of Rules of Business, will not sustain.

33. Further it is contended that since there is no argument of infirmity with respect to the qualification and eligibility of the petitioners in the light of Exts.P5 and P6, the petitioners are entitled for salary and arrears.

34. The other argument raised by the learned Special Government Pleader is that non convening of the Selection Committee will negate the appointments. Such an argument is raised without considering the facts involved in this case. None of the appointments in the 5th respondent College were carried out by a Selection Committee since the Government had not allotted its nominee despite the intimation from the College requiring the Government to delegate its nominee for the Selection Committee to facilitate appointment to various posts.



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Moreover, this contention is taken for the first time while defending the prayers to implement Ext.P5. Such contentions were never taken in any stage during the finalisation of Ext.P4 judgment.

35. The learned counsel for the petitioner in WP(C) No.35561 of 2018 is primarily stressing on the *inter se* seniority between the petitioner therein and respondents 7 to 9. She initially joined as Guest Lecturer in 5th respondent college on 10.01.2003. Thereafter, she was appointed as Tutor in Materia Medica Department, with effect from the date of her initial appointment as Guest Lecturer. This was in compliance with Kerala State Homeopathic Medical College Services Rules dated 19.3.2001. Later, under the agreement dated 21.06.2003, the 5th respondent College and the Government entered into an agreement under the Direct Payment System.

36. As per paragraph 6.1 of the agreement there shall be a selection committee for the selection of teaching staff for appointment and as per para 7.1 all future appointment towards teaching staff shall be made by educational agency



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only from the list of persons prepared by the selection committee. Thereby the appointment to both teaching and non teaching staffs on and from 21.06.2003 shall be only through a selection committee. According to the petitioner, the petitioner was appointed on 10.01.2003 as per the Special Rules, prior to execution of the agreement between the college and the Government. Therefore, she cannot be equated with the other incumbents, whose appointments were as per Ext.P5 and they cannot be considered together. On these primary backgrounds, the petitioner in the afore writ petition challenges Exts.P5 and P6 orders without bringing all the affected persons in the party array.

37. The challenge raised is against the entire order and is not limited to the extent that it affects the seniority of the incumbents in the Department of Materia Medica. Therefore, the challenges raised in this writ petition cannot be considered together. Moreover, it appears that if such challenge is allowed, that will affect majority of the incumbents under the 5th respondent college, who were not properly



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represented in the writ petition. On that background itself, the arguments raised by the learned counsel for the petitioner were not worth to consider.

On accepting the contentions raised by the side of the petitioners in all the other writ petitions, I find that there is nothing to controvert the arguments of the learned counsel for the petitioners in all the other writ petitions. Hence, all those writ petitions are allowed and WP(C) No.35561 of 2018 is dismissed.

sd/-

P.M.MANOJ
JUDGE

das



WP(C) NO. 2903 OF 2023

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T.R. RAVI, J.-----
W.P(C). No. 2903 of 2023
-----Dated this the 7th day of October, 2025**JUDGMENT**

The petitioners are teaching staff working under the 6th respondent. The prayer in this writ petition is for a direction to respondents 1 to 3 to sanction, draw and disburse the salary and its arrears due to the petitioners in their respective posts for which approval was already granted by the 5th respondent through Ext.P4. A batch of writ petitions filed by similarly situated teachers working under the 6th respondent, were allowed by this Court, by judgment dated 14.03.2025. All the contentions that were taken by the respondents were answered in the said judgment elaborately.

In the above circumstances, I do not find any reason to take a different view. The writ petitioners are



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WP(C) NO. 2903 OF 2023

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entitled to relief. In terms of the judgment dated 14.03.2025 in W.P(C).No.35237 of 2009 and connected cases, this writ petition is disposed of, directing the respondents 1 to 3 to sanction, draw and disburse the salary and its arrears due to the petitioners in their respective posts in view of the approval granted for the appointment, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

Sd/-
T.R.RAVI
JUDGE

LEK

Office of the Advocate General, Kerala,

P.K.BABU

Ernakulam, Kochi-682031

SPECIAL GOVERNMENT PLEADER

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LEGAL OPINION AGAINST THE JUDGMENT IN
W.P.(C) 11018/2019 DATED 14.03.2025 AND CONNECTED
CASES.

To

1. The Additional Chief Secretary,
Finance Department
Government Secretariat,
Thiruvananthapuram.
2. The Secretary to Government,
Ayush (B) Department, Thiruvananthapuram.

Sir,

*Sub:- Writ Petition No.11018/2019 and
connected cases - (W.P(C) Nos.35745/2018, 31613/2019,
35561/2018, 31589/2019, 26976/2019, 35237/2009,
30913/2019,25113/2019, 40417/2022, 30892/2019,
25138/2019) – reg.*

*Ref:- Your letter No. AYUSH-B2/165/2023- AYUSH dated
08.07.2025.*

All these writ petitions are preferred by the teaching faculties of Sree Vidyadhiraja Homeopathic Medical College and Hospital, Nemom. The contentions of the writ petitioners are that they were not given salary and other benefits so their appointments against posts were

D. [Signature]

In this case the government have filed separate counter affidavits contenting that the petitioners are not entitled to the benefits as claimed by them since the appointments made by the management and consequential approval done by the Ayush department is not in accordance with law especially the concurrence from the Finance department had not obtained by the concerned department as provided in Rule 10 (1) of Rules of business of government of Kerala. The government had also further contented that without adherence to business rules framed under Article 166(3) of constitution of India the aforesaid orders are void also.

In order to substantiate the case of the government from our part we have produced so many decisions rendered by the apex court such as MRF Ltd. v. Manohar Parikar, (2010) 11 SCC 374, State of Kerala v. Lakshmykutty (1987 KHC 293), Manish Kumar v. Union of India [(2021)5 SCC 1], Union of India and another v. Karthikchandramandal and another (2010) KHC 4031 and Benzal v. State of Rajasthan (2003) KHC 697. The main argument advanced by the petitioner is that the writ appeal preferred by the government was dismissed where by Ext.P4 judgment was upheld and thereafter the Special Leave Petition preferred by the government was also dismissed. Therefore they contented that Ext.P4 judgment has become final thereby the government is estopped from raising any objection in implementing Ext.P5 government orders. The learned single Judge had found that all the legal formalities needed for the appointment has been complied by the Ayush department such

P. C. Brown

as Homeopathic Rules, University Statutes and also the qualifications prescribed for such posts. Therefore the Hon'ble court found that in a later stage after the appointments has been approved by virtue of Ext.P5, raising of the question of irregularity and illegality of the appointments especially on the ground that the statutory provisions such as rules of business has not been complied cannot be taken in to account as a valid ground in order to intervene the matter. Therefore government contentions were repelled by the Hon'ble court and allowed the writ petition.

I have gone through the entire records available before me and the judgement rendered by the Hon'ble court in W.P(C)11018/2019 and connected cases and I am of the view that an appeal will be filed against the judgment on the following grounds.

1. The learned Single Judge failed to appreciate that the Government Order G.O.(Rt) No. 473/2016/Ayush dated 24.09.2016 was issued without the mandatory concurrence of the Finance Department and approval of the Council of Ministers, thereby violating Rule 10(1), 10(2), and 26 of the Kerala Government Business Rules framed under Article 166(3) of the Constitution of India.
2. The approval granted by the Kerala University of Health Sciences (KUHS) via Order No. 6772/AC1/Gen/A3/15/KUHS dated 04.08.2018 not on the basis of proper creation of posts or financial sanction by the Government. Therefore, the appointments were not valid in law.
3. The Single Judge erroneously construed the earlier judgment dated 13.03.2015 (Ext.P4) as having conclusively recognized the petitioners' entitlement to salary and arrears, whereas the directions therein merely required procedural compliance subject



to Government evaluation and decision-making in accordance with law.

4. The management of the college failed to constitute the selection committee mandated under the DPS agreement dated 21.06.2003. Appointments made without compliance of Clauses 6 and 7 of the agreement and in violation of Sections 57 and 58 of the Kerala University Act, 1974, are void ab initio.

5. The judgment under appeal, if sustained, would open the floodgates to similar unsanctioned claims across other aided colleges, thereby threatening the financial stability and administrative discipline of the State.

6. **Lack of Finance Department Concurrence – Ext.P5 is Ultra Vires**
The learned Single Judge erred in holding that the Government Order (Ext.P5) is binding despite **no concurrence from the Finance Department**, which is **mandatory under Rule 10(1)** of the Rules of Business of the Government of Kerala. The Ayush Department unilaterally issued Ext.P5 without routing through the Finance Department or Council of Ministers, affecting the finances of the State — rendering the order **void ab initio**.

7. **Violation of Rule 26 – Cabinet Approval Required**

The judgment failed to appreciate that **Rule 26** of the Rules of Business mandates that matters involving substantial expenditure or deviation from established policy must be placed before the **Council of Ministers**. Neither Ext.P5 nor consequential steps were brought before the Cabinet, vitiating the entire process.

8. **Ext.P4 Judgment Was Misinterpreted**

While Ext.P4 was upheld in appeal and SLP dismissed, the learned Single Judge erroneously treated it as a blanket approval for **arrears and appointments**, when in fact it only directed **procedural**

P. S. Suresh

steps subject to further government decision-making. The final approval process was incomplete.

9. No Valid Selection Procedure Followed

Appointments relied upon by petitioners lacked the constitution of a proper selection committee as required under the agreement executed with the Government for DPS and relevant service rules. Many appointments were made without due process, making the University's approval (Ext.P6) legally suspect.

10. Financial Implications Not Considered

The impugned judgment would open the floodgates for large-scale financial liability on the State exchequer without proper scrutiny or budgetary provision, impacting fiscal discipline and violating constitutional principles under Article 266 and 282.

No Estoppel Against Law

The learned Single Judge erred in holding that the Government was estopped from challenging Ext.P5. There can be no estoppel against statute, and the State is entitled to raise objections if prior mandatory procedures were violated, regardless of delay.

11. No Legal Right to Salary/Arrears Exists:

As clarified by the Hon'ble Supreme Court in *MRF Ltd. v. Manohar Parikar* [(2010) 11 SCC 374] and *Manish Kumar v. Union of India* [(2021) 5 SCC 1], legal rights, including right to salary from the State exchequer, must originate from valid legal or statutory authority. In this case, the absence of sanctioned posts nullifies such right.

12. Appointments Lack Valid Selection Process:

Under Clause 6 and 7 of the agreement dated 21.06.2003 between the Government and Management, all appointments must be made

P. Kumar

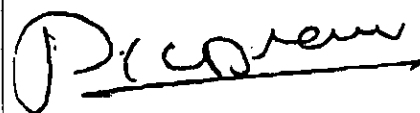
through a properly constituted selection committee. This was not followed. Section 57 of the Kerala University Act, 1974, mandates appointments be made only against sanctioned posts.

13. Financial Commitment Without Budgetary Provision:

Approval of salary and arrears to petitioners without budgetary provision and Finance Department concurrence would impose an unconstitutional burden on the State treasury, violating Articles 266 and 282 of the Constitution.

Therefore in the above said circumstances the facts of the case and legal issues involved in this case I am of the view that writ appeal can be preferred against the judgement in W.P(C)No.11018/2019 and connected cases. The question of law and facts are identical in all connected cases. Therefore this legal opinion can be treated and applicable to other cases also. It is again inform you that necessary instructions may be given at the earliest and also furnishing grounds for appeal in parawise statement.

Dated this the 21st day of July, 2025.



P.K.BABU
SPECIAL GOVERNMENT PLEADER (FINANCE)

**JUDGMENT**

[WA Nos.2442, 2543, 2564, 2568, 2591, 2601, 2602, 2609 2631 & 2644 of 2025 and 484 of 2026]

Muralee Krishna S., J.

The Issue Involved in all these writ appeals is on a narrow compass as to whether, after suffering a judgment and passing of a consequent Government Order in compliance with the directions in that judgment, the State and its officials can take a stand as to the said Government Order cannot be acted upon, as it was passed by one department of the Government without the concurrence of another Department?

2. All these writ appeals are preferred under Section 5(i) of the Kerala High Court Act, 1958, by the State and its officials, challenging the common judgment dated 14.03.2025 passed by the learned Single Judge in the respective writ petitions. Since the point to be decided in these writ appeals is the same, they are heard together and are being disposed of by this common judgment. For convenience of reference, the parties and documents are referred to in this judgment as they are referred to in the impugned common judgment dated 14.03.2025.

3. The writ petitioners in all these cases are qualified



Homeopathic Medical Practitioners working as teaching faculty under various capacities in different departments of the 5th respondent Homeopathic Medical College. Initially, the 5th respondent was a private unaided medical college. It was brought under the direct payment system on 01.09.2002 on execution of an agreement between the State and the Management on 21.06.2003. The appointment of the respective petitioners was not approved by the Government, and they were not brought under the direct payment system. The issue relating to the sanction of post, approval of appointments, and payment of salary were taken up before the Government and accordingly, meetings were held in the presence of the Chief Minister of Kerala, Minister of Health and Family Welfare Department, Principal Secretary Health and Family Welfare Department, Controlling Officer and Principal, Government Homeopathic Medical College, Thiruvananthapuram, and all other stakeholders, including the representatives of the Manager and teaching and non-teaching faculties.

3.1. In the meeting held on 31.10.2011, a resolution was passed to follow the staff pattern under the regulations issued by



the Central Council for Homeopathy. The resolution with respect to payment of salary and other allowances at the earliest was taken in the said meeting. Later, on 14.02.2013, another meeting was convened by the Chief Minister, and it was resolved to disburse the salary with immediate effect. The true copy of the minutes of the meeting held on 14.02.2013 is produced as Ext.P3 in W.P.(C)No.11018 of 2019. Even then, the decision taken in that meeting was not implemented. Therefore, the teaching and non-teaching staff of the 5th respondent college approached this Court by filing W.P.(C)No.18669 of 2006 and connected writ petitions. By the common judgment dated 13.03.2015, which is produced as Ext.P4 in W.P.(C)No.11018 of 2019, this Court disposed of those writ petitions, wherein it was recorded that the Central Council for Homeopathic Regulation would govern the institution. Upon recording the undertaking by the learned Government Pleader that if a proposal is forwarded, the Government would abide by the decision taken in the meeting, the learned Single Judge issued certain directions in that judgment. The directions in Ext.P4 judgment, which was extracted in the impugned judgment of the learned Single Judge, read thus:

"I. The manager shall send the proposal to workout decision



within a period of one month to the Principal & Controlling Officer.

II. On receipt of the proposal, the Principal & Controlling Officer, without any delay, shall forward the same to the Government for the approval of the staff pattern.

III. The staff pattern shall be implemented with effect from 01.09.2002, the date on which Direct Payment System was introduced.

IV. The Government shall take action to implement its decision in the light of proposal within two months after receipt of the same from the Principal & Controlling Officer.

V. The interim order passed in respect of payment of salary to various writ petitions to continue till the government takes a decision.

VI. Based on the approval of staff fixation, the University shall take a decision to approve the appointment of those petitioners within three months. VII. The entire arrears and monetary benefits shall be released without any delay."

3.2 Though the Government went in an appeal against Ext.P4 common judgment, the Division Bench of this Court dismissed those appeals, confirming the judgment of the learned Single Judge. The Special Leave Petition filed by the Government before the Apex Court against the Division Bench Judgment also ended in dismissal by the order dated 16.08.2016.

3.3. After the dismissal of the Special Leave Petition by the Apex Court, the Government issued Ext.P5 order dated



24.09.2016 bearing G.O.(Rt.)No.473/2016/Ayush/2016, sanctioning the staff pattern in accordance with the Central Council of Homeopathic Regulations, 1983 and 2002. On the basis of the aforesaid decision of the Government and Ext.P4 judgment of this Court, the 4th respondent university considered the issue and finally decided to approve the appointments/promotions made by the 5th respondent college. The order dated 04.08.2018 Issued by the 4th respondent university, along with the relevant extracts of the appendix was produced as Ext.P6 in W.P.(C)No.11018 of 2019.

3.4. In Ext.P5 Government Order, it is clarified that the teaching and non-teaching staff appointed up to 10.09.2002 will be governed by the 1983 regulations, and those appointed after 11.09.2002 will be governed by the regulations of the Central Council of Homeopathic Medicine, 2002. Further, the Manager was directed to forward the proposal for the appointment of qualified individuals to the Kerala University of Health Sciences for approval and after due scrutiny of the qualifications in accordance with the Central Council of Homeopathic guidelines within the stipulated period of three months. In the light of the directions in Ext.P5, the



governing council of the university verified the proposal forwarded by the Manager and also scrutinised the qualifications possessed by the candidates and approved the proposal of appointment of 43 teaching staff, i.e., 13 professors, 15 readers and 15 lecturers. The list of the approved appointments are available in Ext.P6 order dated 04.08.2018 issued by the University.

3.5. Though the Government, vide Ext.P5 order, approved the staff pattern and the university thereafter approved the appointments by Ext.P6, the salary and arrears due to the petitioners were not sanctioned and disbursed. Being aggrieved by the non-action on the part of the Government for sanctioning the pay and other benefits consequent to Ext.P4 judgment, Ext.P5 order dated 24.09.2016 of the Homeo Medical Education Department and Ext.P6 order dated 04.08.2018 of the 4th respondent University, the respective petitioners filed the writ petitions under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the competent among the respondents to pay salary to them from the respective dates as mentioned in the writ petitions and issue a writ of mandamus commanding the competent among the respondents to quantify



the benefits other than salary due to the petitioners with effect from the dates mentioned in the respective writ petitions and pay the amount within the time limit fixed by this Court.

4. The respondents filed counter affidavits in the respective writ petitions, contending that Ext.P5 order lacks consultation or ratification by the finance department of the Government and therefore, the said order is void. In support of the said contention, the respondents relied on Rule 10(1) of the Rules of Business of the Government of Kerala, which states that no department shall without previous consultation with the finance department authorise any orders (other than the orders pursuant to any general delegation made by the Finance Department) which either immediately or by their repercussion will affect the finance of the State.

5. The learned Single Judge considered the rival contentions raised by the parties to the respective writ petitions and, by the detailed judgment dated 14.03.2025, allowed the writ petitions as mentioned above. The learned Single Judge found that after suffering Ext.P4 judgment, which attained finality, by the dismissal of the Special Leave to appeal by the Apex Court, and



passing of Ext.P5 Government Order, the Government is estopped from raising any objection in implementing that Government Order. It was found by the learned Single Judge that if the Government is of the opinion that Ext.P5 order is bad, it had sufficient time and opportunity to cancel or rescind its own order on assigning sufficient reason, which has not been done till date or sought for any review or clarification of Ext.P4 judgment.

6. Being aggrieved by the aforesaid finding in the impugned judgment and allowing of the writ petitions, the appellants filed the present writ appeals.

7. Heard the learned Special Government Pleader for the appellants and the respective Senior Counsel/counsel for the party respondents.

8. We have appreciated the rival arguments addressed at the Bar and perused the materials placed on record. We have also carefully gone through the impugned judgment of the learned Single Judge. Though during the course of arguments, the learned Special Government Pleader pointed out various judgments claiming them as in favour of the contentions of the appellants, to argue that Ext.P5 Government Order is void since it was passed



without the concurrence of the Finance Department, we notice that those judgments are found as not applicable to the facts of the instant case in the impugned judgment of the learned Single Judge.

9. As rightly found by the learned Single Judge, Ext.P4 judgment of the learned Single Judge of this Court dated 13.03.2015 in W.P.(C)No.18669 of 2006 and connected matters attained finality by the dismissal of the writ appeal and the Special Leave to appeal filed by the State and its officials against those judgments. It is in pursuance of the direction in Ext.P4 judgment, Ext.P5 order dated 24.09.2016 has been passed by the Government. Ext.P5 is an order passed by the Governor of the State. As held by the learned Single Judge, after the passing of the said order, if the Government was of the view that the said order is one that ought not have been passed, then the remedy available to the appellants was to take steps to cancel that order in accordance with law, if possible. But no such steps have been taken by the Government till date, and instead has taken a strange stand in the writ petitions that Ext.P5 order passed by the Government is bad or void in view of Rule 10(1) and Rule 26 of



the Rules of Business of the Government of Kerala.

10. When Ext.P4 judgment has attained finality, it is the duty of the Government to implement the directions in that judgment. But instead of doing the same, even after passing Ext.P5 order with a view to implement the directions in Ext.P4 judgment and the approval of the proposal for appointment of 43 teaching staff by Ext.P6 order of the university, the Government is now taking a strange contention that Ext.P5 is a void order, which has no legs to stand. In such circumstances, we are of the considered opinion that there is no illegality or impropriety in the impugned judgment of the learned Single Judge. Therefore, these writ appeals are liable to be dismissed.

In the result, these writ appeals stand dismissed.

Sd/-

ANIL K. NARENDHAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

nak

ITEM NO.6

COURT NO.17

SECTION XI-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 27213/2019

[Arising out of impugned final judgment and order dated 09-10-2019 in WA No. 2061/2019 passed by the High Court of Kerala at Ernakulam]

THE STATE OF KERALA & ORS.

Petitioner(s)

VERSUS

DR. KRISHNAKUMAR & ORS.

Respondent(s)

IA No. 61908/2022 - APPLICATION FOR VACATION OF INTERIM ORDER

WITH

SLP(C) No. 10603/2020 (XI-B)

FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 88155/2020

IA No. 88155/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 03-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. P.V. Surendranath, Sr. Adv.
Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.L., Adv.
Mr. Sawan Kumar Shukla, Adv.

For Respondent(s) : Mr Rahul Jain, AOR

Mr. Venkita Subramoniam T.R, AOR
Mr. Hari Vishnu, Adv.

Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR
Mr. Sanjay Singh, Adv.
Ms. Sneha Mathew, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the parties on IA No. 136451 of 2025 seeking dismissal of Special Leave Petition as having been infructuous. Both the parties would jointly submit that the Special Leave Petitions have been rendered infructuous, because the Division Bench was considering the issue at the stage of interim relief by the Single Judge and now the Writ Petition before the Single Judge has already been disposed of.

2. Accordingly, the Special Leave Petitions are disposed of as being infructuous.

3. Pending application(s), if any, shall stand disposed of.

(MINI)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)

Annexure - 19



GOVERNMENT OF KERALA

Abstract

AYUSH Department – Homoeopathic Medical Education – Sree Vidyadhiraja Homoeopathic Medical College – Judgment dated 13.03.2015 in WP(C) No.18669/2006 and connected cases – Compliance in Con.Case(C) No.2689/2024 filed by Dr. Sureshkumar P.V. – Approval and grant of benefits on provisional basis – revised Orders issued

AYUSH (B) DEPARTMENT

G.O.(Rt)No.221/2026/AYUSH Dated, Thiruvananthapuram, 05-04-2026

- Read 1. Judgment dated 13.03.2015 in WP(C) No.18669/2006 filed by Dr. Sureshkumar P V and other connected cases
2. Judgment dated 01.03.2016 in WA No.2498/2015 & WA No.275/2016
3. Order dated 16.08.2016 in SLP No.14950-14951/2016
4. G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016
5. University Order No.6772/AC1/Gen/A3/15/KUHS dated 04.08.2018
6. Judgment dated 14/03/2025 in W.P.(C) No.35745/2018 and connected cases
7. Order dated 18.03.2026 in Con.Case(C) No.2689/2024
8. GO(Rt)No.212/2026/AYUSH dated 30/03/2026

ORDER

The Honorable Court vide its judgment read as 1st paper above issued certain directions as shown below, to the Government to implement a staff pattern in Sree Vidyadhiraja Homoeopathic Medical College.

1. The Manager shall sent the proposal to workout decision within a period of one month through the Principal and Controlling Officer.
2. On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the

approval of the staff pattern

3. The staff pattern shall be implemented with effect from 1.9.2002 the date on which the direct payment system was introduced
4. Government shall take action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer,
5. The interim order passed in respect of the payment of salary to various writ petitioners will continue till Government take a decision,
6. Based of the approval of staff fixation the University shall take decision to approve the appointment of the petitioners within three months.
7. The entire arrears and monitory benefits shall be released without any delay
8. The impugned orders are set aside.

2) Government challenged the above judgment before the Hon'ble High Court and the Hon'ble Supreme Court. However, the Writ Appeals and Special Leave Petitions were dismissed vide the papers read as 2nd and 3rd above, and the judgment attained finality. Government had to therefore take up the implementation of the Court order in order to avoid further adverse proceedings against Government or officials representing it. Hence Government have issued an order read as 4th paper above, approving the teaching staff pattern and 4 posts of Medical Officers according to the regulations of Central Council of Homoeopathy, in due compliance of the judgment dated 13/03/2015. It was made clear in this order that the Government will expedite the matter examining the issues, in consultation with the Finance and Law Department to eligible appointees. Sufficient liberty was reserved by the Government in issuing this order to examine the

eligibility of the appointees. Subsequently, Kerala University of Health Sciences, vide order read as 5th paper above, sanctioned the appointment and promotions of teachers based on the Government order read as 4th paper above.

3) However, it was later observed that the said Government Order was issued without following the prescribed procedures under the Rules of Business, including concurrence of Finance Department and approval of Council of Ministers, and also without strictly adhering to CCH Regulations. Hence the consequential benefits as per the above Government order have not been sanctioned to the teachers.

4) In the above circumstances, the affected teachers filed several Writ Petitions, W.P.(C) No. 35745/2018 and connected cases, before Hon'ble High Court for getting sanction the consequential benefits of Government order date 24/09/2016 and subsequent University Order dated 04/08/2018. One of the teachers Dr. Sureshkumar P. V, who is the petitioner in WP(C)18669/2006, also filed WP(C) No.40417/2022.

5) While the above cases were pending before the Hon'ble High Court, the petitioner, Dr. Sureshkumar P.V., filed Con.Case(C) No.2689/2024 alleging non-compliance of the judgment dated 13.03.2015 in WP(C)18669/2006.

6) As per the judgment read as 6th paper above, the writ petitions W.P. (C) No. 35745/2018 and connected cases were allowed by the Hon'ble High Court. Aggrieved by the said judgment, the State has preferred a Writ Appeals, WA 2442/2025 and connected cases, which are presently pending consideration before a Division Bench of the Hon'ble High Court. WA 2564/2025 has also been filed against the WP(C) No.40417/2022 filed by

Dr. Sureshkumar P V.

7) In the meantime, the Hon'ble High Court, as per order read as 7th paper above, directed the Government to comply with the directions contained in the judgment dated 13/03/2015, particularly Direction No.7 regarding disbursement of monetary benefits, failing which the Chief Secretary was directed to appear in person.

8) Government have examined the matter in detail, taking into account the legal position. Accordingly, Government are pleased to order that the directions contained in the judgment dated 13.03.2015 in WP(C) No.18669/2006 shall be implemented in respect of the petitioner Dr. Sureshkumar P.V., subject to the following conditions:

- a. Promotion as per the GO(Rt)No.473/2016/AYUSH dated 24/09/2016 and subsequent University Order No.6772/AC1/Gen/A3/15/KUHS dated 04/08/2018 in respect of Dr. Sureshkumar P.V. shall be approved provisionally subject to the final outcome of the pending cases before Hon'ble High Court , i.e., W.A. No. 2564/2025 and connected cases.
- b. Any monetary benefits, if found admissible, shall be restricted only to the petitioner Dr. Sureshkumar P.V. and the order shall not be treated as a precedent.
- c. The Principal & Controlling Officer shall verify the eligibility of the petitioner strictly in accordance with the regulations of Central Council of Homoeopathy and the provisions of the DPS Agreement, and submit a compliance report to Government.
- d. Since the appointment of the petitioner was not in accordance with the DPS Agreement and CCH Regulations, any financial liability arising therefrom shall be fixed on the Management. The Principal &

Controlling officer is entrusted to calculate the financial liability and to take necessary action to recover the amount from the Management.

9) The benefits granted under this order are personal to the petitioner and arise solely out of judicial directions in the above case. This order shall not be treated as a precedent and shall not confer any right on any other person to claim similar benefits. The relaxation, if any, involved in issuing this order is granted as a one-time measure as per the Hon'ble High Court direction. The issue regarding modification/cancellation of G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 and finalisation of staff pattern as per CCH Regulations will be dealt with separately.

10) Based on the above, the Government Order read as 8th paper above is hereby cancelled.

(By order of the Governor)

Dr. Rajan Namdev Khobragade I A S
ADDITIONAL CHIEF SECRETARY

To:

The Advocate General, Kerala, Ernakulam (with covering letter)

The Principal & Controlling Officer, Govt. Homoeopathic Medical College, Thiruvananthapuram

The Principal, Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram

The Manager, Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram

Dr. Sureshkumar P.V. Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram

Finance Department (Vide No.1000161/HLT-B1/70/2018-FIN dated 24/03/2026)

Law Department (Vide No. STIII2/71/2026-LAW dated 19/03/2026 and STIII2/107/2026-LAW dated 31/03/2026)

The Principal Accountant General (A&E/Audit), Kerala
I&PR (Web & New Media) Department

SF/OC

Forwarded /By order

Signed by Baiju G

Date: 05-04-2026 09:48:09

Section Officer

Copy to:-

1. PS to Hon'ble Chief Minister
2. APS to Hon'ble Minister for Health, Women & Child Development
3. OSD to Chief Secretary

ഭരണഭാഷ - മാതൃഭാഷ

നം.1968/
ബി2/2026/ജി.എച്ച്.എം.സി.റ്റി.

ഗവ.ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജ്,
ഐരാണിമുട്ടം, തിരുവനന്തപുരം
ഫോൺ നം.0471- 2459459
ഇ-മെയിൽ : pcodhme@gmail.com
തീയതി : 02-06-2026

പ്രിൻസിപ്പാൾ & കൺട്രോളിംഗ് ഓഫീസർ

അഡീഷണൽ ചീഫ് സെക്രട്ടറി
ആയുഷ് (ബി) വകുപ്പ്
ഗവ.സെക്രട്ടറിയേറ്റ്, തിരുവനന്തപുരം.
സർ,

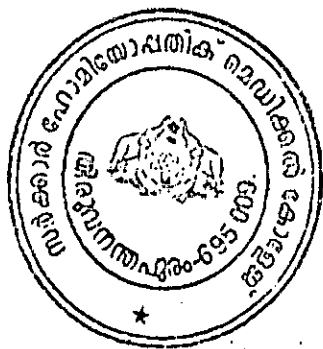
വിഷയം:- ജി.എച്ച്.എം.സി.റ്റി - ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിലെ അധ്യാപക ജീവനക്കാർക്ക് പ്രൊമോഷൻ നൽകുമ്പോൾ ഉണ്ടാകുന്ന സാമ്പത്തിക ബാധ്യത അറിയിക്കുന്നത് -സംബന്ധിച്ച്.

- സൂചന:-
1. സർക്കാർ ഉത്തരവ് (സാധാ) നം. 473/2016/ആയുഷ് തീയതി 24-09-2016.
 2. കേരള ആരോഗ്യ സർവ്വകലാശാലയുടെ 04-08-2018 ലെ 6772/AC1/Gen/A3/15/KUHS നം ഉത്തരവ്.
 3. സർക്കാർ ഉത്തരവ് (സാധാ) നം 221/2026/ആയുഷ് തീയതി 05-04-2026
 4. ആയുഷ് ബി2/237/2025/ആയുഷ് തീയതി 26-05-2026.
 5. ആയുഷ് (ബി) വകുപ്പ് ജോയിന്റ് സെക്രട്ടറിയുടെ 02-06-2026 ലെ ഡി.ഒ ലെറ്റർ നം ആയുഷ് ബി2/99/2026/ആയുഷ്.
 6. സർക്കാർ ഉത്തരവ് (സാധാ) നം 221/2026/ആയുഷ് തീയതി 05-04-2026

സൂചനകളിലേക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജിൽ സൂചന (2) ഉത്തരവ് പ്രകാരം കേരള ആരോഗ്യ സർവ്വകലാശാല അംഗീകരിച്ചിട്ടുള്ള 48 അധ്യാപകരാണുള്ളത്. ടി കോളേജിൽ നിന്നും അറിയിച്ചതനുസരിച്ച് 2021 ജൂൺ മാസം വരെയുള്ള 40 അധ്യാപക ജീവനക്കാർക്ക് സൂചന (2) ഉത്തരവ് നടപ്പിലാക്കുന്നത് വഴിയുള്ള സാമ്പത്തിക ബാധ്യത 26,31,80,872/- (ഇരുപത്തി ആറ് കോടി മുപ്പത്തി ഒന്ന് ലക്ഷത്തി എൺപതിനായിരത്തി എണ്ണൂറ്റി എഴുപത്തി രണ്ട് രൂപ) രൂപയാണ്. പ്രസ്തുത ജീവനക്കാരിൽ 37 പേർ 9-ാം പേ

റിവിഷനിലും, പത്ത് പേർ 11-ാം റിവിഷനിലുമാണ് നിൽക്കുന്നത്. ടി കോളേജിലെ ഡോ.സുരേഷ് കുമാർ പി.വി. -യ്ക്ക് ബഹു. ഹൈക്കോടതി വിധിയുടെ അടിസ്ഥാനത്തിൽ സൂചന (3) പ്രകാരമുള്ള ഉത്തരവ് അനുസരിച്ച് 1.25 കോടി രൂപയുടെ സാമ്പത്തിക ആനുകൂല്യമാണ് അനുവദിച്ചിട്ടുള്ളത്. ബാക്കിയുള്ള 47 അധ്യാപക ജീവനക്കാർക്ക് സൂചന (2) ലെ ഉത്തരവ് നടപ്പിലാക്കുമ്പോൾ ഏകദേശം 60 കോടി രൂപയുടെ ചെലവ് പ്രതീക്ഷിക്കുന്നു.

ടി ജീവനക്കാരുടെ കൃത്യമായ സാമ്പത്തിക ബാധ്യത, ഫിക്സേഷൻ നടപടികൾ പൂർത്തിയാക്കി അടിയന്തിരമായി സർക്കാരിൽ സമർപ്പിക്കുന്നതാണെന്നറിക്കുന്നു.



വിശ്വാസപൂർവ്വം

പ്രിൻസിപ്പാൾ & കൺട്രോളിംഗ് ഓഫീസർ
പ്രിൻസിപ്പാൾ & കൺട്രോളിംഗ് ഓഫീസ്
സർക്കാർ ഹോമിയോപ്പതിക് മെഡിക്കൽ കോളേജ്
തിരുവനന്തപുരം-695 009.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

Monday, the 1st day of June 2026 / 11th Jyaishta, 1948CONTEMPT CASE(C) NO. 1357 OF 2026(S) IN WP(C) 25138/2019PETITIONER/PETITIONER:

DR. SAIENDRA KUMAR G.N., AGED 60 YEARS,
S/O G.NAGENDRAN NAIR, T.C 50/1197(1), SIVASREE,
THALIYIL, KARAMANA, THIRUVANANTHAPURAM DISTRICT,
PINCODE - 695 002, PROFESSOR AND HEAD OF THE
DEPARTMENT (PRESENTLY RETIRED), DEPARTMENT OF
HOMOEOPATHIC PHARMACY, SREE VIDHYADHIRAJA
HOMOEOPATHIC MEDICAL COLLEGE, NEMOM P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 020.

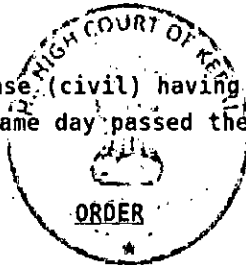
BY ADVS. M/S. SAJEEV KUMAR K.GOPAL & GOPIKA S. NAIR

RESPONDENT/1ST RESPONDENT IN THE WRIT PETITION:

SRI. DR.RAJAN N KHOBRAGADE IAS,
ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF KERALA,
AYUSH DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.

BY GOVERNMENT PLEADER

This Contempt of court case (civil) having come up for orders on
01.06.2026, the court on the same day passed the following:



Post on 30/06/2026. By that time, the respondent shall comply with
the directions. If directions have not been complied with by that time,
respondent is directed to appear in person before this Court on the next
posting date.

Sd/- P.M.MANOJ, JUDGE

Note:- The space requirement in square meters shall not be made applicable for the colleges with sixty seats established prior to the date of notification of this regulation except the serial number 5(i), (m) and 6. However, all space requirements as mentioned above in the table shall be fulfilled by all the existing colleges with one hundred seats within the period of five years from the date of notification of this regulation except serial number 5 (i), (m) and 6 which should be fulfilled from the date of notification of this regulation along with all other facilities as mentioned above in table.

E. Staff of the medical institution. -(1) The Requirement of the Principal or Director or Dean shall be as follows namely:-

S.No.	Designation	Up to 100 admissions
1.	Principal or Director or Dean or Head of institution	01

(2) Teaching staff:-

(a) There shall be minimum teaching staff for Bachelor of Homoeopathic Medicine and Surgery degree course as specified in the Table below:-

TABLE

S.No.	Name of the Department	Up to 100 admissions		
		Professor	Associate professor	Assistant professor
1.	Homoeopathic Materia Medica	1	1	2
2.	Organon medicine Homoeopathic Philosophy Fundamentals	1	1	2
3.	Homoeopathic Pharmacy	1 Or 1		1
4.	Homoeopathic Repertory and Case Taking	1	1	2
5.	Human Anatomy	1	1	2
6.	Human Physiology and Biochemistry	1	1	2
7.	Forensic Medicine & Toxicology	1	Or 1	1
8.	Community Medicine, Research Methodology and Biostatistics	1	1	1
9.	Pathology and Microbiology	1	1	1
10.	Surgery	1	1	1
11.	Gynecology and Obstetrics	1	1	1
12.	Practice Medicines of Essentials with Pharmacology of	1	1	2
Total		40		

Draft

GOVERNMENT OF KERALA
(Shri.V.D.Satheesan Ministry)
Note for the Council of Ministers

1.	File No.	:	AYUSH-B2/237/2025-AYUSH
2.	Department	:	AYUSH (B) Department
3.	Subject	:	Regularisation of the appointments and promotions of 51 teaching staff of Sree Vidyadhiraja Homoeopathic Medical College ^{based on} (by accepting) the approval granted by the Kerala University of Health Sciences as per Order No. 6772/AC1/Gen/A3/15/KUHS dated 04.08.2018, (which approved the appointments and promotions of the said 51 teaching staff, based on ^{on implementation of} G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 (issued in implementation of the judgment dated 13.03.2015 in WP(C) No.18669/2006) in relaxation ^{of the existing procedure} dt
4.	Date of Chief Minister's order for placing before the Council	:	15.06.2026
5.	(i) Does the case involve financial commitments/ Implementations	:	Yes
	(ii) If the answer to the above is in the affirmative, whether Finance Department has been consulted and their remarks incorporated in the Council Note?	:	Yes
6.	Are any other departments concerned with the case and if so, have they been consulted and their remarks incorporated in the Note for the Council?	:	No
7.	Name of Joint Secretary who submitted the Draft Note	:	Sri. Vijairaj. J
8.	Name of Additional Chief Secretary who approved the Draft Note	:	Dr. Rajan Namdev Khobragade
9.	Date of approval of the Draft Note for the Council by the Additional Chief Secretary	:	23.06.2026
10.	Name of Chief Secretary who approved the Draft Note	:	Dr. A.Jayathilak
11.	Date of approval of the Draft Note for the Council by the Chief Secretary	:	
12.	Name of Minister who approved the Draft Note	:	Sri.K. Muraleedharan
13.	Date of approval of the Draft Note for the Council by the Minister	:	
14.	Date of submission of fair copies	:	
15.	Date of decision by the Council of Ministers	:	
16.	Number and date of the GO/letter communicating the decision	:	

DRAFT NOTE FOR COUNCIL OF MINISTERS

This note relates to the implementation of G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 approving the teaching staff pattern in Sree Vidyadhiraja Homoeopathic Medical College, Nemom, Thiruvananthapuram and sanction of consequential salary, arrears and service benefits to the teaching staff whose appointments/promotions have been approved by the Kerala University of Health Sciences (KUHS), in compliance with the binding judicial directions issued by the Hon'ble High Court of Kerala in the judgment dated 13.03.2015 in WP(C) No.18669/2006 and connected cases, the common judgment dated 14.03.2025 in WP(C) No.35237/2009 and connected cases and the judgment dated 07.10.2025 in WP(C) No.2903/2023, which have attained finality after dismissal of the connected Writ Appeals.

2) Sree Vidyadhiraja Homoeopathic Medical College was established in the year 1965 in Private sector. Direct Payment System (DPS) was introduced in Sree Vidhyadhiraja Homoeopathic Medical College with effect from 01/09/2002 as per **G.O. (Ms)No.184/2003/H&FWD dated 03/09/2003 (Annexure 1)** in pursuance of the agreement executed between Government and the Management on 21/06/2003. Subsequently as per **G.O.(Ms)No. 203/2006/H&FWD dated 22/09/2006 (Annexure 2)** a staff pattern consisting of 31 Teaching staff and 25 non-teaching staffs for the college had been approved by the Government. Later as per **GO(Ms) No.346/2008/H&FWD dtd 09.07.2008 (Annexure 3)**, and **GO(Ms) No.376/2009/H&FWD dtd 30.10.2009 (Annexure 4)**, 32 teaching staff were regularized in sanctioned staff pattern.

3) Hon'ble Chief Minister convened a meeting on 31/08/2011 to discuss and sort out various issues in connection with Sree Vidyadhiraja Homoeopathic Medical College with the representatives of the staff and the management. In the meeting, it was decided to allow teaching posts in the college in tune with the regulations of Central Council of Homoeopathy. Minutes of the meeting is appended as **Annexure 5**. As per the Regulations 2002 of Central Council of Homoeopathy minimum teaching staff for degree course was 43 (Copy of relevant page of Regulations 2002 is appended as **Annexure 5A**).

4) Subsequently, the Hon'ble High Court, in the **judgment dated 13/03/2015 in WP(C) No.18669/2006 and connected cases (Annexure 6)**, the following directions had been issued.

1. The Manager shall sent the proposal to workout decision within a period of one month through the Principal and Controlling Officer.
2. On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the approval of the staff pattern
3. The staff pattern shall be implemented with effect from 1.9.2002 the date on which the direct payment system was introduced
4. Government shall take the action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer,
5. The interim order passed in respect of the payment of salary to various writ petitioners will continue till Government takes a decision,
6. Based of the approval of staff fixation the University shall take decision to approve the appointment of the petitioners within three months.
7. The entire arrears and monitory benefits shall be released without any delay
8. The impugned orders are set aside.

5) The Government challenged the aforesaid judgment before the Hon'ble High Court in W.A. No.2498/2015 and connected appeals. The Writ Appeals were dismissed on 01.03.2016 (**Annexure 7**). Thereafter, the Government filed SLP Nos.14950-14951/2016 before the Hon'ble Supreme Court. The Hon'ble Supreme Court dismissed the Special Leave Petitions on 16.08.2016 (**Annexure 8**). Consequently, the judgment dated 13.03.2015 (mentioned as Annexure 6 above) attained finality.

6) In the meantime, several contempt cases were filed against the Secretary, AYUSH Department for non-compliance of the judgment. In order to comply with the judicial directions and to avoid adverse proceedings, Government issued **G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 (Annexure 9)** approving the teaching staff pattern and four posts of Medical Officers in accordance with the Regulations of the Central Council of Homoeopathy. The Government Order also stipulated that issues

relating to consequential monetary benefits would be examined in consultation with the Finance Department and Law Department.

7) Based on G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 (mentioned as Annexure 9 above) , Kerala University of Health Sciences issued **Order No.6772/AC1/Gen/A3/15/KUHS dated 04.08.2018 (Annexure 10)** approving the appointments/promotions of teaching staff proposed by the Management of the College.

8) Subsequently, the Finance Department vide **D.O.Letter No.1336040/HLT-B1/110/2019-Fin dated 17/03/2020 (Annexure 11)** raised objections regarding the issuance of G.O.(Rt) No.473/2016/AYUSH on the ground that the order involved substantial financial commitment and had been issued without prior concurrence of Finance Department and approval of the Council of Ministers as stipulated in Rules of Business. Finance Department therefore suggested cancellation of the Government Order and the consequential University approval order (mentioned as Annexure 10 above). The Finance Department filed SLP(C) Nos.27213/2019 and 10603/2020 before Hon'ble Supreme Court by challenging the orders issued to disburse the arrear amount consequent to GO(Rt)No.473/2016/AYUSH dated 24/09/2016.

9) The matter was examined by the Administrative Department, Law Department and the learned Advocate General. The learned Advocate General vide **legal opinion dated 16/06/2021 (Annexure 12)**, opined that G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 had been issued in implementation of a final judgment of the Hon'ble High Court and therefore could not be cancelled except with the permission of the Hon'ble High Court. The learned Advocate General vide **legal opinion dated 02/12/2022 (Annexure 13)**, further advised that the ratification of G.O.(Rt.) No. 473/2016/Ayush dated 24.09.2016 by the Cabinet may be deferred till a decision is taken in the SLP No. 27213/2019 and 10603/2020.

10) Several writ petitions were subsequently filed by the teaching staff seeking implementation of G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 and the consequential University approval orders. The Hon'ble High Court, by common judgment dated 14.03.2025 in WP(C) No.35237/2009, WP(C) No.35745/2018, WP(C) No.11018/2019, WP(C) No.26976/2019, WP(C) No.40417/2022, WP(C) No.30913/2019, WP(C) No.30892/2019, WP(C) No.25113/2019, WP(C) No.25138/2019, WP(C)

No.31613/2019 and WP(C) No.31589/2019 allowed all the writ petitions and directed implementation of G.O.(Rt) No.473/2016/AYUSH and the consequential University approval orders and also dismissed WP(C) No.35561/2018. Copy of the **common judgment dated 14/03/2025** is appended as **Annexure 14**

11) While rendering the above judgment, the Hon'ble High Court, inter alia, observed that the Kerala University of Health Sciences is the competent authority to determine the qualifications of the teachers concerned and that the University had already approved their appointments/promotions without raising any dispute regarding qualifications. The Court further noted that the issues relating to the CCH Regulations were never raised by the Government while opposing the writ petitions and that the only issue raised was regarding the finality of the earlier judgment dated 13.03.2015 (mentioned as Annexure 6 above) and the validity of G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 in the light of the Rules of Business. The Hon'ble Court also held that, under the Rules of Business, matters relating to educational institutions under the AYUSH Department, including service matters of their staff, fall within the domain of the AYUSH Department and that the role of the Finance Department arises only in so far as the financial implications are concerned. The Court further found that the judgment dated 13.03.2015 had attained finality and that G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 was only a consequential order issued in compliance with the said judgment. Accordingly, the challenge against the Government Order on the ground of violation of the Rules of Business was held to be unsustainable. The Hon'ble Court also rejected the contention regarding non-convening of the Selection Committee, observing that such contention had never been raised during the proceedings culminating in the earlier judgment and was raised for the first time while opposing implementation of the Government Order. The challenge raised in WP(C) No.35561/2018 was found to be related primarily to seniority disputes among teachers in the Department of Materia Medica and was therefore held to be distinguishable from the claims raised in the connected writ petitions. Consequently, all the connected writ petitions were allowed and WP(C) No.35561/2018 was dismissed.

12) Subsequently, in the judgment dated 07.10.2025 in WP(C) No.2903/2023 (**Annexure 15**) filed by Dr. Rekha Rajagopalan and others of Sree Vidyadhiraja

Homoeopathic Medical College, the Hon'ble High Court took note of the fact that a batch of writ petitions filed by similarly situated teachers of the institution had already been allowed by the common judgment dated 14.03.2025 in WP(C) No.35237/2009 and connected cases. The Hon'ble Court observed that all the contentions raised by the respondents had been comprehensively considered and answered in the said judgment. Accordingly, following the principles laid down in the judgment dated 14.03.2025, the writ petition was disposed of directing respondents 1 to 3 to sanction, draw and disburse the salary and arrears of salary due to the petitioner in the approved post, in view of the approval granted to her appointment, at the earliest and, in any event, within a period of three months from the date of receipt of a copy of the judgment.

13) Aggrieved by the common judgment dated 14.03.2025 (mentioned as Annexure 14 above) and the judgment dated 07.10.2025 in WP(C) No.2903/2023 (mentioned as Annexure 15 above), the Government, based on the **legal opinion dated 21/07/2025 of the learned Advocate General (Annexure 16)**, preferred Writ Appeals before the Hon'ble Division Bench. However, by common judgment dated 08.04.2026 in W.A. Nos.2442/2025, 2543/2025, 2644/2025, 2564/2025, 2602/2025, 2591/2025, 2568/2025, 2631/2025, 2609/2025 and 2601/2025 including W.A. No.484/2026 arising from WP(C) No.2903/2023, the Hon'ble Division Bench dismissed all the appeals, holding that once the judgment dated 13.03.2015 had attained finality, the Government was duty bound to implement the same and that there was no illegality or impropriety in the judgment of the learned Single Judge. **The common judgment dated 08/04/2026 in Writ Appeals above is appended as Annexure 17.** The petitioner in WP(C) No.35561/2018 has filed WA 1781/2025 before the Hon'ble High Court in which no judgment has yet been delivered.

14) In the meantime, the Hon'ble Supreme Court, by **order dated 03.02.2026 (Annexure 18)**, disposed of SLP(C) Nos.27213/2019 and 10603/2020 filed by Finance Department as infructuous.

15) Accordingly, G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 and the consequential University approval order (mentioned as Annexure 10 above) have become final and binding and require implementation by the Government.

16) In the meantime, while the Writ Appeals were pending consideration before the Hon'ble Court, one of the teachers, Dr. Suresh Kumar P.V., had approached the Hon'ble High Court as per Contempt Case No. 2689/2024, pointing out the non-implementation of the judgment dated 13/03/2015 in WP(C) No. 18669/2006 (Annexure 6 mentioned above). In compliance with the directions of the Hon'ble High Court, and subject to the final decision of the pending Writ Appeals, the Government issued G.O. (Rt) No. 221/2026/AYUSH dated 05.04.2026 (**Annexure 19**), granting promotion and consequential financial benefits to the said teacher. Accordingly, financial benefits amounting to approximately ₹1.25 Crores were sanctioned to the petitioner. Taking into account the pending contempt proceedings, the said order was issued as approved by the Hon'ble Chief Minister and as vetted by the Law Department.

17) On dismissal of Writ Appeals on 08/04/2026 (mentioned as Annexure 17 above), while considering the proposal for implementation of the judgment and Government Order, the financial implications involved has been obtained from the Principal and Controlling Officer. As per the **report dated 02.06.2026 (Annexure 20)**, the financial liability arising from implementation of the University approval order in respect of all approved teaching staff is likely to involve an expenditure of approximately ₹60 crore. It has also been reported that the exact liability can be determined only after completion of pay fixation and verification of service particulars of the individual teachers.

18) Following dismissal of the Writ Appeals on 08.04.2026, several contempt cases have been filed before the Hon'ble High Court seeking implementation of the judgments and Government Orders. The major contempt cases presently pending are:

- (i) CoC No.1302/2026 in WP(C) No.35745/2018 filed by Dr. Krishnakumar M;
- (ii) CoC No.1347/2026 in WP(C) No.30913/2019 filed by Dr. L Mini Devi;
- (iii) CoC No.1357/2026 in WP(C) No.25138/2019 filed by Dr. Sailendra Kumar G N;
- (iv) CoC No.1262/2026 in WP(C) No.26976/2019 filed by Dr. Shalini G Unnithan; and
- (v) CoC No.287/2026 in WP(C) No.2903/2023 filed by Dr. Rekha Rajagopalan & 5 others.

19) The time limit granted by the Hon'ble Court in the Contempt Cases already expired and the Hon'ble Court has specified that non-compliance may result in coercive proceedings including personal appearance of the responsible officers. **Order dated 01/06/2026 in CoC Case No. 1357/2026 filed by Dr. Sailendra Kumar G N is appended as Annexure 21.**

20) The matter was again referred to Finance Department for concurrence regarding financial sanction for disbursement of arrears and current salary. Finance Department provided the following remarks on 08/06/2026.

“In view of the fact that there is a difference of opinion between the Ayush and Finance Department, and that the GO(Rt) No. 473/2016/AYUSH dated 24.09.2016 is in violation of the Rules of Business, it is imperative that the issue be placed before the Council of Ministers. Hence, the AD is informed the following:

1. The Administrative Department is requested to place the matter of implementation of G.O.(Rt) No. 473/2016/AYUSH dated 24.09.2016 before the Council of Ministers for decision, subject to the condition that AD shall ensure that there are no Court cases on this issue pending before any Court (except the Contempt cases for implementation of existing Court Decisions)
- 2 . While placing the matter before the Cabinet, a decision may also be taken regarding the possibility of settling the dues in suitable installments over a period of 18 months, considering the significant financial implications involved.
3. The Administrative Department may, if it so desires , move a separate proposal for modifying the aforesaid GO as per the latest CCH Regulations, after the implementation of this GO, and the modified order shall be issued in compliance of the Rules of Business, in consultation with Law Department.

This has the approval of Hon. Chief Minister.”

21) Even though the Finance Department has stated to move for payment in installments, the Administrative Department is not in a position to suggest the same, as

the court judgment needs to be complied with in its entirety. The Hon'ble Court's order dated 13/03/2015 in WP(C) No. 18669/2006 and connected cases has directed that all arrears and financial benefits must be disbursed without any delay. The order referred to above is a common judgment passed in 10 Writ Petitions filed in connection with this matter. Furthermore, a similar judgment dated 21/05/2026 passed by the Hon'ble High Court in WP(C) No. 25154/2019, filed by Dr. Zachariah George and three others, is also in force. In another matter, Contempt Case (CCC) No. 1088/2026 has been filed against the Additional Chief Secretary (Health & Family Welfare), the Principal Secretary (Higher Education), and the Controller of Entrance Examinations. Although an amount of ₹5 Lakh has already been disbursed in compliance with that judgment, action is being faced as an interest amount of approximately ₹10,000/- remains unpaid. That case is currently being dealt with separately by the Health Department.

22) A total of 53 appointments were made to teaching posts in the said college. Out of these, one employee resigned from service, and University has not approved the appointment of another employee. Out of the remaining 51 employees, the appointments of 32 teachers were regularised vide G.O.(Ms) No.376/2009/H&FWD dated 30.10.2009 (mentioned as Annexure 4 above). However, the said Government Order was subsequently set aside pursuant to the judgment dated 13.03.2015 in WP(C) No.18669/2006 (mentioned as Annexure 6 above). The appointments of all the aforesaid 51 employees have been approved by the Kerala University of Health Sciences vide Order No. 6772/AC1/Gen/A3/15/KUHS dated 04.08.2018 (mentioned as Annexure 10 above) (As on 31.05.2026, 16 employees have retired from service). Out of them, 10 employees have filed contempt of court cases before the Hon'ble Court. Appointment of these employees and similarly situated employees (total 51 employees) have to be regularized. As per existing Regulations of National Commission for Homoeopathy 2024, the minimum teaching staff for Bachelor of Homoeopathic Medicine and Surgery degree course shall be 41 including Principal. Copy of relevant page of Regulation 2024 is appended as **Annexure 22**.

23) In view of the finality attained by the judgments of the Hon'ble High Court, dismissal of the connected Writ Appeals, disposal of the connected Special Leave Petitions, the opinion of the learned Advocate General, the time limit granted by the

Hon'ble Court expired and the pendency of contempt proceedings, implementation of G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 and sanction of consequential financial benefits have become unavoidable.

24) The Finance Department has advised to place the matter before the Council of Ministers. When circulated the file, Hon'ble Chief Minister has ordered to place the matter before the Council of Ministers.

POINTS FOR DECISION

(i) Whether the appointments and promotions of 51 teaching staff of Sree Vidyadhiraja Homoeopathic Medical College be regularised ^{based on} ~~(by accepting)~~ the approval granted ^{to them} by the Kerala University of Health Sciences vide Order No. 6772/AC1/Gen/A3/15/KUHS dated 04.08.2018, ^{which approved the appointments and promotions of the said 51 teaching staff,} ^(based on) ^{by implementing} G.O.(Rt) No.473/2016/AYUSH dated 24.09.2016 ^{(issued in implementation of the judgment dated 13.03.2015 in WP(C) No.18669/2006?)} dk

^{A relaxation of the existing procedures;}
(ii) Whether, in compliance with the judgments of the Hon'ble High Court, permission may be granted to the Principal & Controlling Officer to disburse the salary arrears, salary, promotion benefits, and other consequential service benefits legally entitled to the approved teaching staff of Sree Vidyadhiraja Homeopathic Medical College, after regularizing the appointments of the teachers? dk

dk LOR

Whether, in compliance with the judgments of the Hon'ble High Court, permission may be granted to the Principal & Controlling Officer to disburse the salary arrears, salary, promotion benefits, and other consequential service benefits legally entitled to the approved teaching staff of Sree Vidyadhiraja Homeopathic Medical College, after regularizing the appointments, in 18 installments, ^(as suggested by the Finance Department?) dk

(iii) After implementation of G.O.(Rt) No. 473/2016/AYUSH dated 24.09.2016, whether separate proposal may be moved for modifying the staff pattern of the said college as per

latest Central Council of Homoeopathy Regulations, in compliance with the Rules Of Business and in consultation with Law Department.

SP
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Rajan
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KM
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SP
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Note # 1AYUSH-B2-165-2023- Note file.pdf

15/11/2025 11:02 AM

RAJALEKSHMI V S
ASST (B2) AYUSH**Note # 2****NOTES**

Sub:- AYUSH Department - Appeal against judgment dated 14/03/2025 in WP(C) 35237/2009, WP(C) 35745/2018, WP(C) 11018/2019, WP(C) 26976/2019 , W.P.(C) No. 40417/2022 , W.P.(C) No. 30913/2019 , W.P.(C) No. 30892/2019, W.P.(C) No. 25113/2019 , W.P.(C) No. 25138/2019, 35561/2018 , WP(C) 31613/2019 and WP(C) 31589/2019- reg:-

Kindly see the Note file AYUSH-B2/165/2023-AYUSH attached at Note#1 . The Teaching Staff pattern fixation in Sree Vidyadhiraja Homoeopathic Medical College is being dealt in AYUSH-B2/165/2023-AYUSH file. When the judgment dated 14/03/2025 in WP(C) 35237/2009 and connected case regarding the staff pattern is came, the decision for filing appeal against the judgment has been taken in that file. Accordingly affidavits have been signed and sent to AG in that file. Later it has decided (Note #204 of the file) to continue the action of modifying the GO(Rt)No.473/2016/AYUSH, related to staff pattern, be continued in AYUSH-B2/165/2023-AYUSH file and the action regarding the appeal in the judgment dated 14/03/2025 be continued in fresh file. Hence this file is created.

2) It may kindly be noted that Govt. have sent the signed Affidavit in WP(C) 35745/2018 , WP(C) 11018/2019 , WP(C) 26976/2019 , W.P.(C) No. 40417/2022 , W.P.(C) No. 30913/2019 , W.P.(C) No. 30892/2019 , W.P.(C) No. 25113/2019 , W.P.(C) No. 25138/2019 , WP(C) 35561/2018 , WP(C) 31613/2019 and WP(C) 31589/2019 except WP(C) 35237/2009.

3) Later as per the information from the office of AG, vide G.O.(Rt)No.583/2025/AYUSH dated 31/10/2025, sanction has been accorded to Smt. Seema S, Joint Secretary, AYUSH for swearing the above affidavits.

4) Kindly see the email dated 10/11/2025 from AG. It has informed that the following Writ Appeal have been filed against the judgment dated 14/03/2025. The case details have been

received from AG through CCIS portal and by email.

WP(C)35745/2018 - WA 2442/2025

WP(C)11018/2019 - WA 2543/2025

WP(C)26976/2019 - WA 2644/2025

WP(C)40417/2022 - WA 2564/2025

WP(C)30913/2019 - WA 2602/2025

WP(C)30892/2019 - WA 2591/2025

WP(C)25113/2019 - WA 2568/2025

WP(C)25138/2019 - WA 2631/2025

WP(C)35561/2018 - NOT FILED

WP(C)31613/2019 - WA 2609/2025

WP(C)31589/2019 - WA 2601/2025

5) **WP(C)35561/2018** case is filed by Dr. Smitha M and by the judgment dated 14/03/2025 , the Hon'ble court dismissed the Writ Petition. Hence it seems that there is no need to file appeal against the judgment. But it may kindly be noted that the petitioner, Dr.Smitha M filed **WA 1781/2025** against above judgment and the action is being taken in AYUSH-B2/175/2025-AYUSH file.

6) In the above circumstances, whether AG may be requested to furnish the affidavit for filing appeal against **WP(C) 35237/2009** also. For orders.

15/11/2025 05:20 PM

**RAJALEKSHMI V S
ASST (B2) AYUSH**

Note # 3

16/11/2025 08:31 PM

**SHABEEN S
SO (B) AYUSH**

Note # 4

19/11/2025 05:35 PM

**NISSAR A
US (B) AYUSH**

Note # 5

ok

20/11/2025 04:05 PM

**SEEMA S
JS (B) AYUSH**

Note # 6**20/11/2025 05:28 PM****NISSAR A
US (B) AYUSH**

Note # 7**21/11/2025 11:31 AM****SHABEEN S
SO (B) AYUSH**

Note # 8**As per orders on pre-para, DFA.****23/11/2025 08:40 AM****RAJALEKSHMI V S
ASST (B2) AYUSH**

Note # 9**24/11/2025 01:10 PM****SHABEEN S
SO (B) AYUSH**

Note # 10**24/11/2025 06:19 PM****NISSAR A
US (B) AYUSH**

Note # 11**25/11/2025 01:36 PM****SEEMA S
JS (B) AYUSH**

Note # 12

Note # 13Consolidated Note

This file deals with the Appeal filed against judgment dated 14/03/2025 in WP(C) 35237/2009, WP(C) 35745/2018, WP(C) 11018/2019, WP(C) 26976/2019 , W.P.(C) No. 40417/2022 , W.P.(C) No. 30913/2019 , W.P.(C) No. 30892/2019, W.P.(C) No. 25113/2019 , W.P.(C) No. 25138/2019, 35561/2018 , WP(C) 31613/2019 and WP(C) 31589/2019

2) It may be noted that as per the minutes of a meeting in the presence of the then Chief Minister dated 14.02.2013, certain decisions were taken in principle for the staff fixation in Sree Vidyadhiraja Homoeopathic Medical College. The Honorable Court vide its judgment dated 13.03.2015 in WP(C) No.18669/2006 and connected cases (**Ref 1**) issued certain directions as shown below, to the Government to implement a staff pattern in the Institution.

Judgment 13/03/2015 in WP(C) No.18669/2006 and connected cases

1. The Manager shall sent the proposal to workout decision within a period of one month through the Principal and Controlling Officer.
2. On receipt of the proposal, the Principal and Controlling Officer without any delay shall forward the same to the Government for the approval of the staff pattern
3. The staff pattern shall be implemented with effect from 1.9.2002 the date on which the direct payment system was introduced
4. Government shall take action to implement its decision in the light of proposal within two months after receipt of the same from the Principal and Controlling Officer,
5. The interim order passed in respect of the payment of salary to various writ petitioners will continue till Government take a decision,

- 5-
6. Based of the approval of staff fixation the University shall take decision to approve the appointment of the petitioners within three months.
 7. **The entire arrears and monitory benefits shall be released without any delay**
 8. The impugned orders are set aside.

3) After deliberation at the level of Secretaries in charge of Ayush, Finance and Law and opinion of the learned Advocate General, the Government appealed against the judgment in the Division Bench. The appeal however came to be dismissed on 1st March, 2016 in Writ Appeal No.2498/2015 and WA.No.275/2016 wherein the Division Bench found that the grounds for condonation of delay for the appeal are not acceptable and further that the judgment under appeal has already been confirmed by a Division Bench of High Court by judgment dated 11-8-2015 in WA No.1546/2015. Aggrieved by this, the State of Kerala has filed SLP No.14950-14951/2016 which came to be dismissed on 16th August, 2016. In the meantime, various contempt cases numbered CC.1619/2015, 1630/2015, 1729/2015, 1843/2015 have been filed against the Secretary, Ayush for non-compliance of the judgment in WPC No.18669/06 and other connected cases by the petitioners dated 13th March, 2015. Government had to therefore take up the implementation of the Court order in order to avoid further adverse proceedings against it or officials representing it. Hence Government have issued an order GO(Rt)No.473/2016/Ayush dated 24.09.2016 (Ref 2) approving the teaching staff pattern and 4 posts of Medical Officers according to the regulations of Central Council of Homoeopathy, in due compliance of the judgment dated 13/03/2015. It was made clear in this order that the Government will expedite the matter examining the issues, in consultation with the Finance and Law Department to eligible appointees. Sufficient liberty was reserved by the Government in issuing this order to examine the eligibility of the appointees.

4) Based on the GO(Rt)No.473/2016/Ayush dated 24/09/2016, Kerala University of Health Sciences issued an order No.6772/AC1/Gen/A3/15/KUHS dated 04/08/2018 (Ref 3) to approve the appointments/promotions of teaching staff as per the proposal submitted by the Manager.

5) In order to avoid contempt of court proceedings, Govt. was compelled to issue the said Government order without the concurrence of Finance Department and approval of Council of Ministers. Though the implementation of the said GO involved a huge financial commitment, it had not been issued without the concurrence of Finance Department and approval of Council of Ministers.

6) In these circumstances, the Secretary, Finance Department vide DO Letter No. 1336040/HLT B1/2019/F1N dated: 17/03/2020 (Ref 4) , quoted various reasons stating that the GO (Rt)473/2016/AYUSH is issued not following proper procedures and advised to cancel G.O. (Rt)No.473/2016/AyUSH dated 24/09/2016 incorporating all the points mentioned in the DO letter and also to cancel the Order No.6772/AC1/Gen/A3/2015/KUHS dated 04/08/2018 of the Kerala University of Health Sciences and subsequent orders if any issued based on the above order dated 04/08/2018 since this order was issued on the basis of G.O. (Rt)No.473/2016/AYUSH dated 24/09/2016.

7) The Secretary of Finance Department had requested to take necessary steps to cancel the above said order and order of KUHS (No.6772/AC1/Gen/A3/2015/KUHS dated 04/08/2018) and also requested to constitute a selection committee strictly as per DPS and to ensure that those appointments made on or after 21/06/2003, where in tune with the approved qualification and age, direct the Manager to furnish fresh proposal fixing the staff pattern strictly as per CCH regulation from time to time placing the teachers in each Department according to their seniority, with the approval of selection committee and then forward the proposal which is strictly in accordance with CCH pattern including the names of teaching faculties who are eligible in all respects, for concurrence of Finance Department and approval of Council of Ministers.

8) The matter of canceling the GO was examined in Administrative Department and sent to law department for its remarks as per the orders of Hon'ble Minister for Health and that department also remarked that the said GO was not issued as per the procedures laid down in the Rules of Business and Kerala Secretariat Office manual and the order should be cancelled.

9) As per the orders of Hon'ble Minister for Health the opinion of AG has been sought in this matter. The AG opined

that (**Reference 5**), the above GO can be cancelled only after obtaining permission of the Hon'ble High Court in the cases in which the same was acted upon by the High Court. Since the GO itself provides for consultation with the Finance Department and Law Department for implementing the same and for disbursing the monitory benefits, the Administrative Department can issue appropriate Government Orders after consulting with the Finance Department and Law Department in full compliance of the judgment of the Hon'ble High Court in WP(C)No.18669/2006 and connected cases the above GO can be placed before Council of Ministers for their approval/ratification along with the Government Order to be issued after consulting with the Finance Department and Law Department for full compliance of the Judgment.

10) In view of the opinion of AG, file (B2/165/2023 previous file J2/171/2015) was forwarded to Finance Department for remarks. Finance Department returned the file with opinion of AG letter dated 07/01/2023 (**Ref 6**). In the W.P.(C) No. 35745/2018 filed by Dr. Krishna Kumar, the learned Single Judge passed an Interim Order dated 25.07.2019 directing the Respondents 1 and 2 and the additional 6th Respondent to ensure that the current salary is paid to the petitioner and the party respondent in W.P.(C) No. 35561/2018. It was made clear that the disbursement would be subject to the result of the Writ Petition. The above Interim Order was challenged in Writ Appeal No. 1977/2019 and connected cases. The Writ Appeals were dismissed by Judgment dated 09.10.2019. Against the Judgment dated 09.10.2019, the State filed SLP (C)No. 27213/2019 and SLP No. 10603/2020. In the above SLPs, the Honourable Supreme Court passed an Interim Order ordering in to the Stay of impugned judgment until further orders. The Interim Order passed by Honourable High Court directing to sanction the salary to the petitioners is stayed by the Honourable Supreme Court as per Orders in the SLPs. AG suggested in his letter that this post creation order is to be ratified by the Cabinet with the concurrence of Finance Department and also it will be subject to the results of SLP(C) No. 27213/2019 and SLP No. 10603/2020.

11) In the meantime Finance Department has furnished a set of suggestions to sort out the issues related to the regularization of teaching and non teaching staff of Sree Vidyadhiraja Homoeopathic Medical Colleges as per U.O. Note dated 30.04.2021 (**Pls see the Reference 7**). And in the meeting held on 13/12/2023 it has decided

to make necessary modifications to G.O.(Rt)No.473/2016/AYUSH dated 24/09/2016.

12) As per the suggestions of Finance Department PCO has submitted a proposal regarding implementation of teaching staff pattern in this college and to regularise the teaching staff as per the CCH regulations from time to time, by modifying G.O. (Rt)No.473/2016/AYUSH dated 24/09/2016 . (File No.AYUSH-B2/165/2023-AYUSH).

13) The proposal submitted by PCO for fixing the staff pattern as per the CCH Regulations from time to time was submitted to Finance Department in that file. Finance department's remarks in that file may be seen below.

1336040/HLT-B1/110/2019-FIN

Finance (Health-B)Department

2626718/AYUSH-B2/165/2023-AYUSH

Dated:19-01-2026

ഭരണ വകുപ്പിനെ ഇപ്രകാരം അറിയിക്കുന്നു.

24.09.2016 തീയതിയിലെ G.O.(Rt)No.473/2016/Ayush ഉത്തരവ് റദ്ദ് ചെയ്യുന്നത് കോടതിയലക്ഷ്യത്തിന് കാരണമാകുമോ എന്നതിലും ബഹു സുപ്രീം കോടതിയുടെ സ്റ്റേ നിലനിൽക്കുന്നതിനാൽ (Interim order dtd 22.11.2019), WP(C) 35745/2018 & connected cases-കളിന്മേൽ ബഹു ഹൈ കോടതി പുറപ്പെടുവിച്ച് അന്തിമ വിധി നടപ്പിലാക്കുവാൻ സാധിക്കുമോ എന്നതിലും ആയതിന് നിയമപരമായി എന്തെങ്കിലും തടസങ്ങൾ ഉണ്ടോ എന്നതിലും വ്യക്തതയില്ല. ആയതിനാൽ ടി വിഷയങ്ങളിന്മേൽ ആദ്യം എ.ജി യുടെയും നിയമ വകുപ്പിന്റെയും നിയമോപദേശം തേടി ഫയൽ സമർപ്പിക്കുവാൻ ഭരണവകുപ്പിനോട് നിർദ്ദേശിക്കുന്നു.

P N MANOJKUMAR

JOINT SECRETARY

ധനകാര്യ അഡീഷണൽ ചീഫ് സെക്രട്ടറിക്ക് വേണ്ടി

14) As per the opinion of Finance Department AG was requested to furnish his opinion regarding the modification of the said G.O. The opinion of Law Department was sought for in that file and that department opined as below.

"STIII2/71/2026-LAW

Law(Suit III)Department

AYUSH-B2/165/2023-AYUSH

Date: 19.03.2026

ശ്രീ വിദ്യാധിരാജ ഹോമിയോപ്പതിക് മോഡിക്കൽ കോളേജിലെ സ്റ്റാഫ് പാറ്റേൺ നിശ്ചയിച്ചു കൊണ്ടുള്ള 24/09/2016-ലെ G.O(Rt) 473/2016/Ayush ഉത്തരവിൽ ഭേദഗതി വരുത്താമോ എന്നുള്ളതിൽ അഭിപ്രായം നൽകുന്നത് സംബന്ധിച്ചാണ് ഫയൽ നിയമ വകുപ്പിന് കൈമാറിയിരിക്കുന്നത് .

WP(C) No.18669/2006 കേസിലെയും അനുബന്ധ കേസുകളിലെയും വിധി നടപ്പിലാക്കുന്നതിലേക്കായാണ് സർക്കാർ 24/09/2016-ലെ G.O(Rt) 473/2016/Ayush ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുള്ളത്. അഡ്വക്കേറ്റ് ജനറൽ WA No 2498/2015 കേസിൽ 02/12/2022 നു നൽകിയ നിയമോപദേശത്തിൽ 24/09/2016-ലെ G.O(Rt) 473/2016/Ayush ഉത്തരവ് കോടതിയുടെ പരിഗണവിഷയമായിട്ടുള്ളതിനാൽ പ്രസ്തുത ഉത്തരവ് റദ്ദ് ചെയ്യുന്നത് ഹൈക്കോടതിയുടെ അനുമതിയോടെ ആകണമെന്നും, മാത്രമല്ല സുപ്രീം കോടതിയിൽ നിലനിൽക്കുന്ന SLP .27213/2019 & 10603/2020 കേസുകളിലെ അന്തിമ വിധിയുടെ അടിസ്ഥാനത്തിൽ മാത്രമേ 24/09/2016-ലെ G.O(Rt) 473/2016/Ayush ഉത്തരവ് ratify ചെയ്യുന്നത് സംബന്ധിച്ച് സംബന്ധിച്ച് തീരുമാനങ്ങൾ കൈക്കൊള്ളാവൂ എന്നും നിർദ്ദേശിച്ചിട്ടുള്ളതാണ്. SLP No.27213/2019 & 10603/2020 കേസുകൾ dispose ചെയ്തിട്ടുള്ളതായി സുപ്രീം കോടതിയുടെ വെബ്സൈറ്റിൽ കാണുന്നു അഡ്വക്കേറ്റ് ജനറലിന്റെ അഭിപ്രായം ഈ വിഷയത്തിൽ തേടിയ ശേഷം ഫയൽ നിയമവകുപ്പിനു കൈമാറാവുന്നതാണെന്നു ഭരണവകുപ്പിനെ അറിയിക്കുന്നു.

For

Mayadevi K

Joint Secretary

(Law)"

15) In the meantime, as per the letter dated 05/02/2026 (Reference 8) AG has furnished a copy of order dated 03/02/2026 in SLP(C)s 27213/2019 and 10603/2020. The Hon'ble Supreme court disposed the above SLP(C)s as infructuous.

16) Eventhough the AG had already furnished legal opinion regarding the cancellation of the said G.O. during 2021, as per the remarks of Finance Department and Law Department, opinion of AG has again requested vide letter No. B2/165/2023-AYUSH dated 07/04/2026 (Pls see Link File).

17) As per the judgment dated 14/03/2025 in WP(C) 35237/2009 and connected cases, the Hon'ble High Court allowed all Writ Petitions and WP(C) 35561/2018 is dismissed. The Hon'ble High Court observed the following in this case

- a. In any of the case, the University is the authority to decide the qualification with respect to the petitioners. The University has not raised any dispute with respect to the qualification of the petitioners and forwarded Ext P6 (University order) approval to the Government. Hence that issues need not be deliberated in this case (Para 13)
- b. The issues with respect to Regulations were not raised by the Government while objecting the prayers in the writ petitions. The only issues raised were with respect to the finality of

Ext.P4 judgment and the sustainability of Ext.P5 order in the light of the Rules of Business of the Government of Kerala especially under Rule 10(1) and Rule 26. (Para 17).

- c. As per Part II Serial No.2 of the Rules of Business, the distribution of business between the department of Secretariat and the AYUSH Department is included as second therein and all matters relating to educational institutions in AYUSH under Government, including private and Aided, including allotment of new institutions, subjects and service matters of their staffs etc are the business of AYUSH Department. The Finance Department has no role to play in the approval of staff pattern and appointment of teachers in colleges under direct payment system in AYUSH Department. The role of Finance Department comes only when it affects the finance of the State. (Para 26)
- d. On going by the contentions and on the basis of the decisions pointed out by Senior Govt. Pleader, the Hon'ble court observed that those decisions have no application since, it found that Ext P4 judgment (dated 13/03/2015) became final. Ext:P5 (GO(Rt)No.473/2016) is the consequential order passed by the Government which need to be implemented. The challenge raised against such order by the Special Government pleader, on the basis of violation of Rules of Business, will not sustain. (Para 32)
- e. In the argument of Government Pleader, non convening of the Selection Committee will negate the appointment, the learned counsel contented that none of the appointment in that college were carried out by a Selection Committee since Govt. had not allotted its nominee despite the intimation from College. Moreover, this contention is taken for the first time while defending the prayers to implement Ext.P5. Such contentions were never taken in any stage during the finalisation of Ext.P4 judgment. (Para 34)
- f. The petitioner in WP(C) 35561/2018, is primarily stressing on the inter se seniority between the petitioner and respondents 7 to 9. The Challenge is against the entire order and is not limited to the extent that it affects the seniority of the incumbents in the Department of Materia Medica. Therefore, the challenges raised in this writ petition cannot be considered together. (Para 37)
- g. The Hon'ble court observed that there is nothing controvert the arguments of the learned counsel for the petitioners in all the other writ petitions. Hence all those WP(C)s are allowed and

WP(C) No. 35561/2018 is dismissed (last para).

17) As per the legal opinion from AG, the following appeals have been filed against the combined judgment dated 14/03/2025.

WP(C)35745/2018 - WA 2442/2025

WP(C)11018/2019 - WA 2543/2025

WP(C)26976/2019 - WA 2644/2025

WP(C)40417/2022 - WA 2564/2025

WP(C)30913/2019 - WA 2602/2025

WP(C)30892/2019 - WA 2591/2025

WP(C)25113/2019 - WA 2568/2025

WP(C)25138/2019 - WA 2631/2025

WP(C)31613/2019 - WA 2609/2025

WP(C)31589/2019 - WA 2601/2025

18) It may kindly noted that as per the directions in CoC 2689/2024 filed by Dr. Sureshkumar P V, one of the teaching faculty in Sree Vidyadhiraja Homoeopathic Medical College, G.O. (Rt)No.221/2026/AYUSH dated 05/04/2026 has been issued to sanction his promotion and consequential benefits subject to the outcome of Writ Appeals.

19) Kindly see the judgment dated 08/04/2026 in the above writ Appeals and connected appeal WA 484/2026 filed against judgment dated 07/10/2025 in WP(C) 2903/2023 (AYUSH-B2/219/2025-AYUSH). The Hon'ble Court ordered as follows:-

"....10. When Ext.P4 judgment has attained finality, it is the duty of the Government to implement the directions in that judgment. But instead of doing the same, even after passing Ext.P5 order with a view to implement the directions in Ext.P4 judgment and the approval of the proposal for appointment of 43 teaching staff by Ext.P6 order of the university, the Government is now taking a strange contention that Ext.P5 is a void order, which has no legs to stand. In such circumstances, we are of the considered opinion that there is no illegality or impropriety in the impugned judgment of the learned Single Judge. Therefore, these writ appeals are liable to be dismissed.

In the result, these writ appeals stand dismissed"

20) In view of the dismissal of the writ appeals by the Division Bench on 08/04/2026 and the finality attained by the earlier

judgments, the Government is legally bound to implement G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 and the consequential University approval orders.

21) In the above circumstances, as per the condition stipulated in para 5 of the G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016, granting of consequential arrears need to be examined in consultation with Finance & Law Department. File submitted for orders whether the concurrence of Finance Department may be obtained with respect to financial sanction for disbursement of arrears and current salary.

10/04/2026 03:23 PM

RAJALEKSHMI V S
ASST (B2) AYUSH

Note # 14

10/04/2026 03:36 PM

PRADEEP V R
SO (B) AYUSH

Note # 15

10/04/2026 10:02 PM

NISSAR A
US (B) AYUSH

Note # 16

10/04/2026 10:11 PM

SEEMA S
JS (B) AYUSH

Note # 17

FOLLOW UP URGENTLY.

16/04/2026 07:43 AM

Dr. Rajan Namdev Khobragade I A S
ACS (AYUSH)

Note # 18

16/04/2026 10:27 AM

SEEMA S
JS (B) AYUSH

Note # 19

16/04/2026 10:40 AM

PRADEEP V R
SO (B) AYUSH

Note # 20

16/04/2026 11:56 AM

RAJALEKSHMI V S
ASST (B2) AYUSH

Note # 21

The remarks of Finance Department is attached below.

3326455 Remarks.pdf

26/05/2026 12:03 PM

SUNITHA V K
ASO (HEALTH-B1) FIN

Note # 22

26/05/2026 12:26 PM

PRADEEP V R
SO (B) AYUSH

Note # 23

Kindly see the notes and orders on pre-para. In view of the dismissal of the writ appeals by the Division Bench on 08/04/2026 and the finality attained by the earlier judgments, the Government is legally bound to implement G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 and the consequential University approval orders.

2) In that circumstances, as per the condition stipulated in para 5 of the G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016, granting of consequential arrears need to be examined in consultation with Finance & Law Department. Hence file has been forwarded to

Finance Department for concurrence with respect to financial sanction for disbursement of arrears and current salary. That department opined as follows.

3481307/HLT-B1/57/2026-FIN

Finance (Health-B) Department

3326455/AYUSH-B2/237/2025-AYUSH

Dated 26-05-2026

The Administrative Department is requested to report the financial implications of the order (G.O.(Rt) No. 473/2016/AYUSH dated 24.09.2016) immediately for finalizing Finance Department's opinion.

PARVATHY G NAIR
UNDER SECRETARY

For Additional Chief Secretary, Finance

3) In the above circumstances, PCO may be directed to report the financial implications of the order (GO(Rt)No.473/2016/AYUSH dt 24/09/2016) immediately.

26/05/2026 12:41 PM

RAJALEKSHMI V S
ASST (B2) AYUSH

Note # 24

Please see the notes above. Draft letter is also submitted for approval.

26/05/2026 01:01 PM

PRADEEP V R
SO (B) AYUSH

Note # 25

26/05/2026 01:22 PM

G INDIRA VENI
US (B) AYUSH

Note # 26

26/05/2026 03:23 PM

SEEMA S
JS (B) AYUSH

- 15 -

Note # 27

26/05/2026 03:26 PM

**PRADEEP V R
SO (B) AYUSH**

Note # 28

Kindly see the notes and orders on pre-para. In view of the dismissal of the writ appeals by the Division Bench on 08/04/2026 and the finality attained by the earlier judgments, the Government is legally bound to implement G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016 and the consequential University approval orders.

2) In that circumstances, as per the condition stipulated in para 5 of the G.O.(Rt) No.473/2016/AYUSH dated 24/09/2016, granting of consequential arrears need to be examined in consultation with Finance & Law Department. Hence file has been forwarded to Finance Department for concurrence with respect to financial sanction for disbursement of arrears and current salary. That department opined as follows.

letter dated 02.06.2026

3) PCO has been directed to report the financial implications of the order (GO(Rt)No.473/2016/AYUSH dt 24/09/2016) immediately. The report submitted by the PCO vide letter dated 02.06.2026 may be perused. The PCO has reported that, as per the order dated 04.08.2018 (Ref 3), there are 48 teachers in Sree Vidyadhiraja Homoeopathic Medical College whose appointments have been approved by the Kerala University of Health Sciences (KUHS). The PCO has further informed that, based on information furnished by the College, the financial liability arising from the implementation of the aforesaid University order in respect of **40 teaching staff members up to June 2021 amounts to ₹26,31,80,872 (Rupees Twenty-Six Crore Thirty-One Lakh Eighty Thousand Eight Hundred and Seventy-Two only).**

4) Among these faculty members, 37 are drawing pay under the 9th Pay Revision and 10 under the 11th Pay Revision. In the case of Dr. Suresh Kumar P.V., one of the faculty members, financial benefits amounting to approximately ₹1.25 crore have been sanctioned vide G.O.(Rt) No.221/2026/AYUSH dated 05.04.2026, in compliance with the directions of the Hon'ble High Court in CoC

No.2689/2024.

5) The PCO has further reported that the implementation of the KUHS order in respect of the remaining 47 teaching faculty members is likely to involve an **expenditure of approximately ₹60 crore**. It has also been informed that the exact financial liability will be determined upon completion of the pay fixation process and that the detailed proposal will be submitted to Government in due course.

6) The following contempt cases are arised due to the non compliance of judgment dated 14/03/2025 in WP(C)35745/2018 and connected cases.

1. **CoC 1302/2026** in WP(C)35745/2018 filed by Dr. Krishnakumar - Next posting on **02/07/2026** for compliance, if not complied appearance. (Pls see Link file AYUSH-B2/99/2026-AYUSH)
2. **CoC 1347/2026** in WP(C) 30913/2019 filed by Dr. Minidevi L - Next posting on **02/07/2026** for compliance, if not complied appearance.(Pls see Link file AYUSH-B2/102/2026-AYUSH)
3. **CoC 1357/2026** in WP(C) 25138/2019 filed by Dr. Sailendra Kumar G N - Next posting on **30/06/2026**, if not complied appearance.(Pls see Link file AYUSH-B2/103/2026-AYUSH)

7) Due to the non compliance of judgment dated 07/10/2025 in WP(C) 2903/2023 the contempt case mentioned below has been filed.

4.CoC 287/2026 in WP(C) 2903/2023 filed by Dr. Rekha Rajagopal - Next posting on **08/06/2026** (as per the information from Liaison Officer). (Pls see Link file AYUSH-B2/219/2025-AYUSH)

8) In the above circumstances, this file may be forwarded to Finance Department vide Note#21 , for urgent remarks regarding the compliance of judgment dated 14/03/2025 in WP(C)35745/2018 and connected cases and judgment dated 07/10/2025 in WP(C) 2903/2023.

02/06/2026 09:36 PM

RAJALEKSHMI V S
ASST (B2) AYUSH

- 12 -

Note # 29

So many contempt cases are arising due to the non-compliance of judgement dt 14/03/2025 in WP(C)35745/2018 and connected cases. Vide note#21 ante FD has requested to report the financial implications of the order (G.O.(Rt) No. 473/2016/AYUSH dated 24.09.2016) for finalising Finance Dept's opinion. PCO has reported that ₹1.25 crore have been sanctioned to one Faculty recently, Dr. Suresh kumar . Accordingly, for the implementation of the KUHS order in respect of the remaining 47 teaching faculty members it is expected that an expenditure of approximately ₹60 crores is to be required. Detailed proposal will be submitted by PCO in due course after completion of the pay fixation process.

In view of the above, file may be re-transmitted to Finance Dept for concurrence reg the compliance of the judgment dt 14.03.2025 in WP(C)35745/2018 and connected cases and judgment dated 07/10/2025 in WP(C) 2903/2023.

02/06/2026 10:09 PM

SEEMA S
JS (B) AYUSH

Note # 30

As it is a very urgent matter, the hard file is already sent to Secretary Finance, as it was informed that ACS is out of station.

The number CCC are filed. The subject matter may please be seen and appropriate actions to be taken at the earliest to avoid any coercive actions.

03/06/2026 04:12 PM

Dr. Rajan Namdev Khobragade I A S
ACS (AYUSH)

Note # 31

Comply if not appealable . If appealable and appeal is not filed take action against those responsible for delay.

03/06/2026 07:44 PM

K R JYOTHILAL
ACS, FIN

Note # 32

04/06/2026 10:36 AM

AJITH S

Note # 33

04/06/2026 10:39 AM

VIJAYASREE M S
JS(HEALTH-B,FIN)

Note # 34

04/06/2026 10:41 AM

LEKSHMI I M
AO (HEALTH-B) FIN

Note # 35

3481307/HLT-B1/57/2026-FIN

Finance (Health-B)

Department

3326455/AYUSH-B2/237/2025-AYUSH

Dated 08-06-2026

In view of the fact that there is a difference of opinion between the Ayush and Finance Department, and that the GO(Rt) No. 473/2016/AYUSH dated 24.09.2016 is in violation of the Rules of Business, it is imperative that the issue be placed before the Council of Ministers. Hence, the AD is informed the following:

1. The Administrative Department is requested to place the matter of implementation of G.O.(Rt) No. 473/2016/AYUSH dated 24.09.2016 before the Council of Ministers for decision, subject to the condition that AD shall ensure that there are no Court cases on this issue pending before any Court (except the Contempt cases for implementation of existing Court Decisions)
- 2 . While placing the matter before the Cabinet, a decision may also be taken regarding the possibility of settling the dues in suitable installments over a period of 18 months, considering the significant financial implications involved.
3. The Administrative Department may, if it so desires , move a separate proposal for modifying the aforesaid GO as per the latest CCH Regulations, after the implementation of this GO, and the modified order shall be issued in compliance of the Rules of Business, in

consultation with Law Department.

This has the approval of Hon. Chief Minister.

For Additional Chief Secretary, Finance

3481307 Vidyadhiraja Approved.pdf

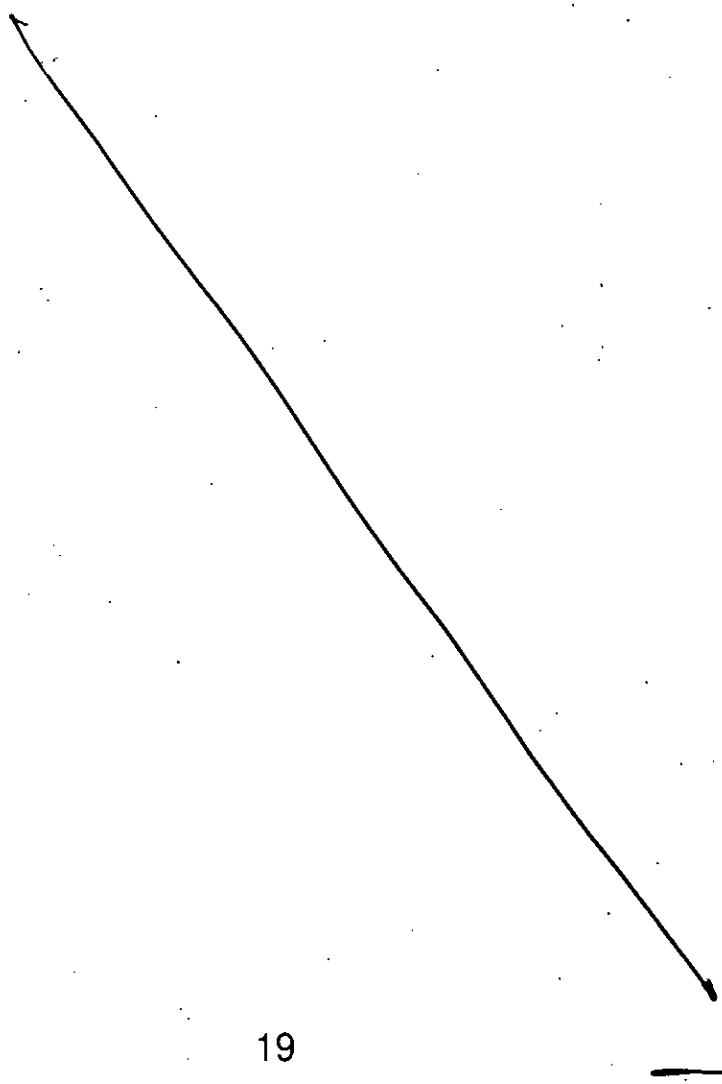
08/06/2026 06:39 PM

SUNITHA V K
ASO (HEALTH-B1) FIN

Note # 36

08/06/2026 08:26 PM

PRADEEP V R
SO (B) AYUSH

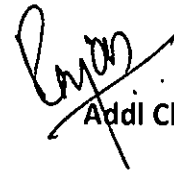


9th June 2026

NOTE

37. The notes in pre para may please be seen. I have personally discussed the matter with the Hon Chief Minister on 8th June 2026 and requested that the Contempt Cases matter may kindly be considered as there is no recourse now available to file any appeal as Hon Supreme Court has already rejected the SLPs of the administrative department and Finance Department.
38. Hon Chief Minister has instructed to place the matter before the Council of Ministers.

Accordingly, the file is put up for taking up the matter in the Council of Minister.



Addl Chief Secretary

Chief Secretary

Dr. RAJAN N KHOBRADE IAS

Additional Chief Secretary,
Health & Family Welfare & Ayush Depts.,
Government of Kerala,
Thiruvananthapuram.

നം. 237/ബി2/2025/ആയുഷ്

ആയുഷ്(ബി) വകുപ്പ്

39. ഇ-ഫയലിലെ തീരുമാനത്തിനനുസരിച്ച് തുടർനടപടി സ്വീകരിക്കുക.



Chief Secretary

അ.ചീ.സെ

ആയുഷ്

40 Detailed memo of instruction
written on other file Ccc 2898/
2024 file (by AMT).
Pl follow up

Rajan
10.6.2026

Dr. RAJAN N KHOBRAGADE IAS
Additional Chief Secretary,
Health & Family Welfare & Ayush Depts.,
Government of Kerala,
Thiruvananthapuram.

09/06/2026 08:02 PM

PRADEEP V R
SO (B) AYUSH

Note # 39

09/06/2026 08:07 PM

PRADEEP V R
SO (B) AYUSH

Note # 40

09/06/2026 08:09 PM

G INDIRA VENI
US (B) AYUSH

Note # 41

The notes in pre para may please be seen. I have personally discussed the matter with the Hon Chief Minister on 8th June 2026 and requested that the Contempt Cases matter may kindly be considered as there is no recourse now available to file any appeal as Hon Supreme Court has already rejected the SLPs of the administrative department and Finance Department. Hon Chief Minister has instructed to place the matter before the Council of Ministers.

Accordingly, the file is put up for taking up the matter in the Council of Minister.

09/06/2026 08:14 PM

Dr. Rajan Namdev Khobragade I A S
ACS (AYUSH)

Note # 42

Point No. 3 in the Point for Decision appears to be inconsistent with the remarks of the FD. Hence, if agreed point for decision no.3 may be modified incorporating the words ' ' overruling the remarks of the FD. Subject to the above modification draft Cabinet note may be approved.

Hon' ble CM may kindly see through the Hon' ble Minister for H & Dev.

09/06/2026 09:39 PM

DR A JAYATHILAK I A S
CS(GOK)

Note # 43

Decision for overruling the FD recommendations ACS (Health) please clarify the following:

1. The Hon'ble CM has noted that there is difference of opinion between the AYUSH Department and Finance Department and GO(Rt)473/2026/AYUSH dated 24-09-2026 was issued in violation of Rules of Business.
2. CM further noted that Administrative Department shall ensure that there are no court cases on the issue pending before any court (except contempt cases for implementation of existing court decision).
3. While placing the matter before Cabinet, decision also to be taken regarding possibility of settling dues in suitable installments over a period of 18 months considering the significance of financial implications involved.
4. It is also noted that if AD to move a separate proposal for modifying the GO(Rt)473/2016/AYUSH dated 24-09-2016 as per latest CCH regulations, after implementation of this G.O., and modified order shall be issued in compliance of Rules of Business in consultation with Law Department.
5. It is noted that Government issued GO(Rt)221/2026/AYUSH dated 05-04-2026 granting promotion and consequential monitory benefit to one doctor it is to be clarified whether it is in accordance with the Rules of Business.

Note for Council of Ministers may be put up taking into consideration of the above notings.

CM may kindly see.

11/06/2026 10:59 PM

K MURALEEDHARAN
MIN (HEALTH)

Note # 44

May be placed before Council of Ministers.

15/06/2026 02:44 PM

V D SATHEESAN
CM,GOK

Note # 45

15/06/2026 04:03 PM

Dr. Rajan Namdev Khobragade I A S
ACS (AYUSH)

Note # 46

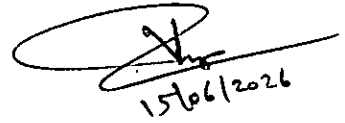
15/06/2026 04:12 PM

G INDIRA VENI
US (B) AYUSH

47. Draft notes for the Council of Ministers in English and Malayalam is placed below for approval.

In
15/6/26-

On
15.6.26.


15/6/2026

Vijayaraj. J
Joint Secretary
AYUSH Dept.


15.6.2026

Dr. RAJAN N KHOBRAGADE IAS
Additional Chief Secretary,
Health & Family Welfare & Ayush Depts.,
Government of Kerala,
Thiruvananthapuram.

~~ACS (AYUSH)~~

~~CS~~

~~MIN (HEALTH)~~


15/6/26
Dr. A. Jayathilak
Chief Secretary

No.AYUSH-B2/237/2025/AYUSH

AYUSH (B) Dept

48) The present Cabinet Note submitted alongwith this file for approval of the Council of Ministers does not contain full answer to the sought out clarifications. Necessary steps be urgently taken to rectify the defects and put up a revised Cabinet Note in accordance with Note # 43 ante.

മുഖ്യമന്ത്രി
അഡ്വക്കേറ്റ് ജനറൽ
ഡയറക്ടർ ഓഫ് ഹെൽത്ത് & ഫാമിലി വെൽഫെയർ
ഡയറക്ടർ ഓഫ് ഫിസിയോളജി & മെഡിസിൻ
ഡയറക്ടർ ഓഫ് ഫാമിലി വെൽഫെയർ & ഹെൽത്ത് സർവീസസ്

K M Muleedhar

K. MURALEEDHARAN
Minister For Health & Devaswoms

Chief Secretary



(49) As per orders in para 43 nt ante and 48 nt ante due rectifications have been made in the Cabinet notes and the same (prepared in English & Malayalam) is submitted for approval.

23/6/26
23/6/26
23/6/26

23/06/2026
VIJAI RAJ J.
PEN: 100916
Joint Secretary
AYUSH Department
Government Secretariat
Thiruvananthapuram

ACS (AYUSH)
23.6.2026

Dr. RAJAN N KHOBRAGADE IAS
Additional Chief Secretary,
Health & Family Welfare & Ayush Depts.,
Government of Kerala,
Thiruvananthapuram.

Min (Health)
CFM

50 CM may see

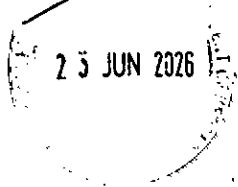
K M Muleedhar

K. MURALEEDHARAN
Minister For Health & Devaswoms

17.7.2026

23/6/26
Dr. A. Jayathilak
Chief Secretary

57. Seen
20/7/26
V. D. SATHEESAN
CHIEF MINISTER



No. AYUSH. B2/237/2025. AYUSH

AYUSH (B) Dept

52. Notes for the Council of Ministers (25 copies in Malayalam and 5 copies in English) placed below may be forwarded to GA (Sc) Dept for further n/a.

88/20/7/2026

20/7/2026

20-7-26

20.7.2026

വിജയ്കുമാർ ജെ.
പെൻ: 100916
ജോയിന്റ് സെക്രട്ടറി
ആയുഷ് വകുപ്പ്
നവംഗൽ റോഡ്, തൃശ്ശൂർ
വികസനസംവിധാനം

GA (Sc) Dept

THIRUVANANTHAPURAM
GOVERNMENT SECRETARIAT
AYUSH Department
20.7.2026
RECEIVED

CHIEF SECRETARY
AYUSH DEPT