

**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 – Orders issued

AYUSH (B) DEPARTMENT

G.O.(Rt)No.212/2026/AYUSH Dated, Thiruvananthapuram, 30-03-2026

-
- 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

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 on 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 monetary 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 paper read as 2nd and 3rd papers 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 above Government order.

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 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. Government are of the considered view that immediate compliance is necessary to avoid adverse proceedings under the Contempt of Courts Act. 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 under judicial compulsion, and shall not be interpreted as dilution of Rules of Business, financial norms, or existing Government orders. 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.

(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.100161/HLT-B1/70/2018-FIN dated
24/03/2026)
Law Department (Vide No. STIII2/71/2026-LAW dated 19/03/2026)
The Principal Accountant General (A&E/Audit), Kerala
The Director, Web & New Media
SF/OC

Forwarded /By order

Section Officer

Copy to:-

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