



## GOVERNMENT OF KERALA

### Abstract

Health & Family Welfare Department- Medical Education-Establishment- OA (EKM) No. 1511/2024 filed by Dr.Shehna A. Khader, Assistant Professor, Dept. of Radiotherapy, Govt.Medical College, Thrissur before the Hon'ble Kerala Administrative Tribunal-Complied with- Orders issued

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### HEALTH & FAMILY WELFARE (S) DEPARTMENT

G.O.(Rt)No.879/2025/H&FWD Dated,Thiruvananthapuram, 25-03-2025

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Read 1 G.O.(Rt).No.2631/2024/H&FWD dated 04/11/2024.

2. Representation dated 05/06/2024 submitted by Dr. Shehna A. Khader
3. Representation dated 18/11/2024 submitted by Dr. Shehna A. Khader
- Order dated, 22/11/2024 of Hon'ble Kerala Administrative
4. Tribunal in OA EKM 1511/2024 filed by Dr. Shehna A. Khader.
- 5 Letter No.F6/461/2020/DME dated, 17/12/2024 of the Director of Medical Education, Thiruvananthapuram.

### ORDER

As per GO the read as 1<sup>st</sup> paper above, Dr. Ajith Kumar V.R., Associate Professor of Radiotherapy at the Government Medical College, Kannur was transferred to Govt Medical College, Alappuzha and Dr. Shehna A. Khader, Assistant Professor of Radiotherapy at the Government Medical College, Thrissur was provisionally promoted and posted as Associate Professor of Radiotherapy at the Government Medical College, Kannur.

2. Aggrieved by the above GO to the extent of transferring her to the Govt.Medical College, Kannur, Dr. Shehna A. Khader, filed OA EKM 1511/2024 before the Hon'ble Kerala Administrative Tribunal alleging that while issuing the above order, the 2<sup>nd</sup> Respondent (D.M.E) failed to

consider the representation read as 2<sup>nd</sup> paper above submitted by the applicant well in advance on 05/06/2024 enclosing compassionate grounds to accommodate her against a post of Associate Professor at the Government Medical College, Thrissur itself.

3. The applicant had submitted representation read as 3<sup>rd</sup> paper above (Annexure A7) before the 2<sup>nd</sup> Respondent (D.M.E) wherein it was requested to delay her promotion till the finalization of the seniority list of Assistant Professors and promotions are made based on the revised seniority list as directed in the judgment dated 29.10.2024 in OP(KAT) No.229/2022 of Hon'ble High Court of Kerala. She also requested to be retained at her current station (Govt.Medical College, Thrissur) until then. Followingly, the Hon'ble Kerala Administrative Tribunal as per order read as paper above disposed of the above OA with the following direction:

*"Accordingly, the Original Application is disposed of with a direction to the 1<sup>st</sup> respondent to consider and pass early orders on Annexure A7 representation within a period of two months from the date of receipt of a copy of this order. In order to facilitate this, the 2<sup>nd</sup> respondent shall forward Annexure A7 representation to the 1<sup>st</sup> respondent forthwith. If the applicant has not been relieved from the present station as on today, she shall be allowed to continue, till final orders are issued on Annexure A7 representation."*

4. Government have examined the matter in detail in view of the directions of Hon'ble Kerala Administrative Tribunal. Owing to various litigations over the seniority list of Assistant Professors in various categories under Medical Education Department, regular promotion to the Associate Professor posts has been stopped since last few years. As a result, a good number of Associate Professor posts were vacant. The seniority lists of cadre Assistant Professors were either exhausted or at the verge of exhaustion. Similarly, the seniority list of cadre Associate Professors was also exhausted in many categories. All the situations cited above, have hampered with the time bound regular promotions in higher posts and thereby making the posts of Assistant Professor at entry cadre level vacant and insufficient faculty to the institutions under this

Department. Government in partial compliance with the Order dated 16/03/2022 of Hon'ble Kerala Administrative Tribunal in OA(EKM) 736/2016 and connected cases, as per GO(Rt) No.964/2022/H&FWD dated 29/04/2022 sanction was accorded for temporary promotion to the post of Associate Professor in Medical Education Department in order to meet the exigencies, subject to the finalization of the Seniority List as per the directions of the Hon'ble Tribunal and also subject to the final judgments in relevant cases filed before the Hon'ble Apex Courts.

5. As per the Judgment dated 29/10/2024 ,the Hon'ble High Court of Kerala disposed the appeal petitions Nos 221, 161, 184,191, 193, 211, 229, 241, 258 & 308/22 & 135, 231 & 360/2022 filed by the State Government against the common order dated 16/03/2022 of OA No. 736/2016 and connected cases. The Hon'ble High Court has disposed the OP(KAT)'s upholding the impugned order of the Hon'ble Tribunal with a direction to the State Government to finalize the Seniority List of Assistant Professors in the Medical Education Services within a period of three months from the date of receipt of the copy of the order. The Hon'ble Court has also ordered that "The seniority of those Assistant Professors who had already been promoted as Associate Professors before the commencement of this list need not be revisited by the Government. While action is being taken to comply the Judgment of Hon'ble High Court, Dr.P.T Anandan and others filed SLP(C) No.1192/2025 against the judgment dated 29/10/2024 of Hon'ble High Court in OP(KAT) No.229/2022 and connected cases. As per the interim order dated 03/02/2025, the Hon'ble Apex Court has ordered to maintain status quo in the matter.

6. The Government have accorded sanction for the temporary promotion to the post of Associate Professor in Medical Education Services as per the advice seniority list to overcome the exigencies considering the patient care and academic matters. With regard to temporary promotion, it is clearly mentioned in Rule 31(a)(i) Part II KS&SSRs 1958 as follows;

*'Temporary Promotion.- (a) (i) Where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of a higher category in a service or class by promotion from a lower category and there would be undue*

*delay in making such promotion in accordance with the rules, the Appointing Authority may promote a person otherwise than in accordance with the rules, temporarily.'*

7. The publication of Seniority List of Assistant Professor as per the Judgment of Hon'ble High Court dated 29/10/2024 will be subject to the further orders of the Hon'ble Apex Court in SLP(C) No.1192/2025 filed by Dr. P. T Anandan and Others. If the applicant is not interested to join in the temporally promoted post ,she has the right to relinquish the same .

8. In the circumstances, the request submitted as per Annexure A7 representation by Dr. Shehna A. Khader is here by rejected.

9. The Order dated, 22/11/2024 of Hon'ble Kerala Administrative Tribunal in OA EKM 1511/2024 filed by Dr. Shehna A. Khader is thus complied with.

(By order of the Governor)  
JANARDHANAN K  
ADDITIONAL SECRETARY

The Advocate General, Ernakulam (with C/L)  
The Director of Medical Education, Thiruvananthapuram  
The Principal Accountant General (A&E/ Audit) Kerala,  
Thiruvananthapuram  
The Principal, Govt. Medical College. Thrissur/Kannur  
Dr. Shehna A Khader, Assistant Professor, Dept. of Radiotherapy,  
Govt. Medical College, Thrissur  
Dr. Ajith Kumar V.R., Associate Professor (Provisional), Dept. of  
Radiotherapy, Govt. Medical College, Alappuzha  
Web & New Media, Information & Public Relations, Govt. Secretariat  
Stock file /Office Copy(S1/212/2024-Health)

Forwarded /By order

Section Officer