

M. Mohammed Khan and Others

Vs

University of Kerala and Others

with

A. K. Geetha Kumari and Others

Vs

University of Kerala and Others

Civil Appeal Nos. 161-62 and 163 of 1988

(Ranganath Misra, L.M. Sharma JJ)

12.01.1988

ORDER

1. Special leave granted.

2. The appellants were appointed for a term of 89 days as Assistants in the University when the regular employees of the University had struck work and the examinations were at hand. There is no dispute that these appointments were under Statute 11 and were purely temporary. It is also not disputed that there has been a subsequent selection. The dispute is as to whether the subsequent selection was on regular basis under Statute 8 or it was only to find out whether the employees could be continued beyond 89 days. The High Court in its decision obviously did not refer to the question of selection.

3. We are of the view that this question should have been examined; otherwise justice would not be available to the appellants. We vacate the decision of the High Court and remit the case to the High Court for fresh disposal. The question to be examined by the High Court would be whether the selection that has been made pursuant to the interview on July 5, 1986, was one in terms of Statute 8 for permanent absorption or one for purposes of examining the suitability of those appointed under Statute 11 to be continued beyond 89 days. The High Court is requested to expedite the disposal of the matter. We request the High Court that the matter may be disposed of expeditiously as the appellants are now out of employment. Appeals are disposed of accordingly. No costs.

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