

SUPREME COURT OF INDIA

University of Kerala

Vs.

Saiful Islam.A

C.A.No.6858 of 2018

(Kurian Joseph and Sanjay Kishan Kaul, JJ.,)

19.07.2018

JUDGMENT

Kurian Joseph, J.

,
SLP(Civil)No.618 of 2015

1. This is a case where the dispute is whether the experience required for appointment to the post of Reader should be pre-Ph.D. or post-Ph.D.; Ph.D. being an essential qualification for the post of Reader.

2. The Full Bench of the High Court of Kerala has taken a view in the impugned order that the experience should be after the acquisition of the essential qualification i.e. Ph.D. During the pendency of the appeals in this Court both the incumbents have retired from service. The first respondent (in both matters) - Dr. Saiful Islam A. has retired as a Reader on 31.03.2017, i.e. after the impugned order. As far as Dr.A. Basheer (appellant in civil appeal arising out of SLP (C) No. 2046/2015) is concerned, he continued as a Reader till 31.05.2012, on which date, he received pension as a Reader from 01.06.2012 to 13.02.2015.

4. Having regard to the intervening developments, which we have referred to above, we are of the view that this is a fit case for invoking our jurisdiction under Article 142 of the Constitution of India for doing complete justice.

5. Accordingly, these appeals are disposed of as follows:-

(1) There shall be no recovery of any pay or pensionary benefits granted to Dr. Basheer.

(2) As far as Dr. Saiful Islam A. is concerned, he shall be treated to have been appointed to the post of Reader with effect from 01.06.2012, for all purposes. His service benefits and retiral benefits shall be settled accordingly.

(3) The benefits due to Dr. Saiful Islam, as above, shall be settled and disbursed within a period of three months from today.

(4) Dr. Basheer shall be entitled to pension with effect from 13.02.2015 as Associate Professor and the benefits as above shall be disbursed within three months from today.

6. The impugned Judgment of the High Court stands modified to the above extent.