



GOVERNMENT OF KERALA

Abstract

Higher Education - WP(C) No.18610/2017 filed by Mar Thoma College for Women, Perumbavoor - Judgment complied with - Orders issued.

HIGHER EDUCATION (B) DEPARTMENT

G.O.(Rt)No.796/2025/HEDN Dated, Thiruvananthapuram, 26-06-2025

- Read: 1. G.O.(Ms)No.129/2005/HEDN, dated 23.08.2005
2. Judgment dated 06.07.2022 of Hon. High Court in WP(C) No.18610/2017.
3. Letter no. 07/H EDN/TVM/2022-23 dated 19.07.2022 from the Principal-in-charge, Mar Thoma College for Women, Perumbavoor.

ORDER

The Manager of Mar Thoma College for Women, Perumbavoor, filed WP(C)No. 18610/2017 before the Hon. High Court aggrieved by Mahatma Gandhi University's decision to classify the B.Sc.(Chemistry) Model I course (formerly aided) in the college as a self-financing course.

2. The Petitioner college is an aided college affiliated to M.G. University. As per the Government Order cited 1st above, Government sanctioned B.Sc. Chemistry course in the petitioner college in AY 2005-'06 subject to the following conditions :

- (1) There shall not be any post creation nor shall there be any additional financial commitment to the Government on sanctioning the course.
- (2) The course shall be started utilizing the services of the teachers rendered surplus due to the de-linking of the Pre-degree course.

(3) The course shall be converted as self-financing when the existing teachers retire from service.

(4) Management shall execute a Bond with the Director of Collegiate Education to the effect that they will be agreeable to the above conditions.

3. Accordingly, the management of Marthoma College for Women, Perumbavoor executed a Bond on 31.08.2005, fully agreeing to the above conditions, and the course started during 2005-06 affiliating with MG University. The then-existing teachers (who were rendered surplus consequent to the de-linking of the Pre-degree course) retired in 2015, after which the University took a decision to convert the course into a self-financing one, as per the above G.O. and the executed Bond. The Petitioner College, aggrieved by this, approached the court claiming that MG University's move to change the course into self-financing is a violation of the Direct Payment Agreement executed by them. One of the main arguments raised by the petitioner in the writ petition was that the course in question ought to have been maintained under the Self Financing Scheme itself, because the stand of the Government, that they will not take the financial commitment for it, is contrary to the declarations in the judgment of the Hon'ble Supreme Court in *State of Kerala and Others v. Arun George and Others* [2015 (1) KLT 833] which declares that the denial of grant of aided status to a course by the Government solely on account of financial commitment is untenable and illegal.

4. In the Judgment read as 2nd paper above, the Hon. High Court disposed of the Writ Petition with the following directions :

The contentions of the petitioner, that Ext.P2 order would not apply to them, cannot find the favour of the Hon'ble Court and are, therefore, repelled.

If the petitioner approaches the Government or the competent Educational Authority with an appropriate request or representation for maintaining the course in question in the Aided Stream, the Government will consider the same, adverting to the workload, if it has already been assessed by the University or with a requisition

made to them to do so within a specified time frame; thus culminating in an appropriate order and necessary action thereon.

Full liberty has been given to the Government to take a decision on every aspect, including, the date from which the course must be construed to be in the Aided Sector - if it is so found eligible by them as also the manner in which the interregnum period will required to be modulated, if any.

5. Accordingly, the petitioner approached the Government, vide letter read as 3rd paper above, also requesting Government to create new posts in Department of Chemistry.

6. Government have examined the matter in detail. Granting aided status to the B.Sc.(Chemistry) Model I course in Mar Thoma College for Women, Perumbavoor, would cause additional financial burden to Government. Moreover, this would be against the conditions laid down in the Government Order read 1st above. It would also be in contradiction to the Bond executed by the management of the College agreeing to abide by the conditions mentioned in the above G.O. The course was sanctioned with a condition to utilize the services of the teachers rendered surplus consequent to the de-linking of the Pre-degree course. Further, as per the G.O. sanctioning the course, it had to be converted as self-financing when the existing teachers retire from service.

7. In the above circumstances, the request of the petitioner college for continuing the B.Sc.Chemistry Model I programme under Aided Stream and to sanction additional posts in this regard cannot be considered favourably. Hence, the request of the petitioner College is rejected.

8. The directions in the Judgment read as 2nd paper above, are complied with, accordingly.

(By order of the Governor)
ANILKUMAR V S
ADDITIONAL SECRETARY

To:

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

The Director, Directorate of Collegiate Education,
Thiruvananthapuram.

The Registrar, Mahatma Gandhi University, Kottayam

The Principal, Mar Thomas College for Women, Perumbavoor -
683542

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Forwarded /By order

Signed by

Rahmathunnisa Chenatukuzhiyan

Date: 26-06-2025 17:43:07
Section Officer

Copy to :

1. Private Secretary to the Minister for Higher Education
2. Personal Assistant to Principal Secretary, Higher Education
Department