



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

WP (C) NO. 26280 OF 2019

PETITIONER:

KIRAN PRASAD
AGED 33 YEARS, S/O LATE T.V.RAJENDRA PRASAD,
THEKKUMKATTIL HOUSE, THELLIYOOR.P.O, VENNIKULAM,
PATHANAMTHITTA DISTRICT-689544.

BY ADVS.
SRI.M.BALAGOVINDAN
SRI.T.K.ANANDA PADMANABHAN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 3 DIRECTOR OF COLLEGIATE EDUCATION,
OFFICE OF THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695009.
- 4 MANAGER,
S.N.TRUSTS, S.N.TRUST BUILDING,
KOLLAM-691010.

BY ADVS.
SRI.A.N.RAJAN BABU
SRI.T.JAYAN, GP.

W.P.(C) Nos.26280 of 2019 & 26237 of 2019



2025:KER:19314

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.03.2025, ALONG WITH WP(C).26237/2019, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

WP(C) NO. 26237 OF 2019

PETITIONER:

TOM TITUS,
AGED 30 YEARS, S/O. TITUS,
RESIDING AT THEKKALLAZHIKAM, KALAKKODU P.O.,
NORTH PARAVOOR, KOLLAM DISTRICT.

BY ADV.
SRI.BIJU.P.N.

RESPONDENTS:

- 1 THE DIRECTOR OF COLLEGIATE EDUCATION,
DIRECTORATE OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM-695001.
- 2 THE DEPUTY DIRECTOR,
COLLEGIATE EDUCATION, KOLLAM-691590.
- 3 THE MANAGER,
FATIMA MATHA NATIONAL COLLEGE,
KOLLAM-691001.

BY ADVS.
SRI.BABY ISSAC ILLICKAL
SRI.ISAAC KURUVILLA ILLIKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.03.2025, ALONG WITH WP(C).26280/2019, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

These writ petitions have been filed by the respective petitioners, pointing out that their parents have passed away while in service of the 4th respondent in W.P.(C) No.26280 of 2019 and the 3rd respondent in W.P.(C) No.26237 of 2019.

2. Heard Sri.M.Balagovindan, the learned counsel for the petitioner in W.P.(C) No.26280 of 2019, Sri.P.N.Biju, the learned counsel for the petitioner in W.P.(C) No.26237 of 2019, Sri.T.Jayan, the learned Government Pleader and Sri.Isaac Kuruvilla Illikal, the learned counsel for the 3rd respondent in W.P.(C) No.26237 of 2019.

3. I notice that, essentially, the contention raised by the petitioners is with respect to the requirement for extending the benefit of compassionate appointment on account of the dying in harness scheme, with respect to the services rendered by their parents in the private educational institutions. The petitioners herein contend that the Government has already taken the decision to extend the afore benefits.



4. However, I notice from the counter affidavit filed on behalf of the 2nd respondent in W.P.(C) No.26237 of 2019 that the Government Order G.O.(P) No.10/2020/H.Edn. dated 17.02.2020 provides for a cut-off date with respect to the date of implementation of the dying in harness scheme. According to the afore Government Order, it is only in cases of the death of the party on or after 07.10.2013, the question of extending the benefits arise. The learned counsel for the petitioners very fairly points out that in these cases, the death occurred prior to the afore cut-off date. However, they would emphatically point out that the fixation of the cut-off date by the afore Government Order was without any rhyme or reason, and hence the afore cut-off date fixation is to be set aside by this Court.

5. *Prima facie*, I am of the opinion that the fixation of cut-off date, etc. can be challenged by the petitioners only by independently challenging the Government Order producing the same in these writ petitions. Insofar as there is no such direct challenge against the fixation of the cut-off date, I dispose of



these writ petitions by permitting the petitioners to file fresh writ petitions by challenging the afore Government Order as they deem fit.

Sd/-
HARISANKAR V. MENON
JUDGE

anm



APPENDIX OF WP(C) 26280/2019

PETITIONER'S EXHIBITS

- | | |
|-------------|---|
| EXHIBIT P1 | TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTH AND DEATH DATED 02.08.2010. |
| EXHIBIT P2 | TRUE COPY OF THE REPRESENTATION TO THE 4TH RESPONDENT ON 18/09/2015 |
| EXHIBIT P3 | TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 14/12/2015 |
| EXHIBIT P4 | TRUE COPY OF THE COMMUNICATION OF THE 3RD RESPONDENT DATED 31/10/2015 |
| EXHIBIT P5 | TRUE COPY OF THE REPRESENTATION DATED 27/10/2018 |
| EXHIBIT P6 | TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT DATED 28/01/2019 |
| EXHIBIT P7 | TRUE COPY OF THE CERTIFICATE ISSUED BY THE STANDING DISABILITY ASSESSMENT BOARD DATED 04/11/2016 |
| EXHIBIT P8 | TRUE COPY OF THE CERTIFICATE IN B.COM IN MAHATMA GANDHI UNIVERSITY DATED 02/08/2010 |
| EXHIBIT P9 | TRUE COPY OF THE CERTIFICATE IN COMPUTERISED FINANCIAL ACCOUNTING EXAMINATION DATED 13/07/2009 |
| EXHIBIT P10 | TRUE COPY OF THE CERTIFICATE OF MERIT DIPLOMA IN INDIAN & FOREIGN ACCOUNTING FROM G.TEC COMPUTER EDUCATION DATED OF ISSUE 17/08/2011. |

RESPONDENTS' EXHIBITS

- | | |
|----------------|---|
| EXHIBIT R4 (a) | TRUE COPY OF THE G.O. (MS) 636/2013 DATED 07/10/2013 ISSUED BY THE HIGHER EDUCATION DEPARTMENT. |
| EXHIBIT R4 (b) | TRUE COPY OF THE G.O. (P) NO.10/2020/H.EDN., TRIVANDRUM DATED 17/02/2020. |

**APPENDIX OF WP(C) 26237/2019****PETITIONER'S EXHIBITS**

- EXHIBIT P1** TRUE COPY OF THE DEATH CERTIFICATE DATED 29/12/2011.
- EXHIBIT P2** TRUE COPY OF THE PROVISIONAL CERTIFICATE OF BACHELOR OF ARTS DATED 23/10/2017.
- EXHIBIT P3** TRUE COPY OF THE APPLICATION DATED 20/03/2012.
- EXHIBIT P4** TRUE COPY OF THE CALL LETTER NO.B1/NTS/12 DATED 08/02/2012 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P5** TRUE COPY OF THE GO(MS) NO.636/2013/HED DATED 07/10/2013.
- EXHIBIT P6** TRUE COPY OF THE REPRESENTATION DATED 17/05/2015.
- EXHIBIT P7** TRUE COPY OF THE JUDGMENT IN WPC 29541/2018 DATED 16/01/2019.
- EXHIBIT P8** TRUE COPY OF THE REJECTION ORDER DATED 07/03/2019.

RESPONDENTS' EXHIBITS

- EXHIBIT R3(a)** PHOTOCOPY OF THE PRO FORMA OF THE DIRECT PAYMENT AGREEMENT.
- EXHIBIT R3(b)** PHOTOCOPY OF THE MINORITY CERTIFICATE OF THE COLLEGE DT. 16.12.08.
- EXHIBIT R3(c)** PHOTOCOPY OF THE G.O. (P) NO.12/99/P & ARD DT. 14.05.1999.