



## GOVERNMENT OF KERALA



### Abstract

Medical Education – Establishment – Order dated 01.08.2023 of the Hon'ble Kerala Administrative Tribunal in OA No.1430/2023 filed by Dr.Indu.M. – Complied with - Orders issued.

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### HEALTH & FAMILY WELFARE (B) DEPARTMENT

G.O.(Rt)No.2738/2023/H&FWD  
2023

Dated,Thiruvananthapuram, 19-10-

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- Read: 1. Representation dated 12.07.2023 submitted by Dr.Indu.M
2. Order dated 01.08.2023 of the Hon'ble Kerala Administrative Tribunal in OA No.1430/2023 filed by Dr.Indu M.
3. Letters No. G4/4121/2023/DME dated 07.09.2023 and 21.09.2023 of the Director of Medical Education.

### ORDER

As per the order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal has disposed OA No. 1430/2023 filed by Dr.Indu M with a direction to the 1st respondent i.e. Secretary, Health & Family Welfare Department to consider and pass orders on Annexure A7 representation within a period of six weeks from the date of receipt of a copy of the order. The representation is enclosed in the OA as Annexure A6; whereas in the order it is noted as Annexure A7.

2. In Annexure A7 representation, the applicant has requested to review the transfer order issued by the Director of Medical Education by transferring her from Government Dental College, Kottayam to Government Dental College, Thrissur or to accommodate her in the vacant post of Associate Professor in the Department of Oral Pathology and Microbiology, Government Dental College, Kottayam, considering the following and also requested for an opportunity of hearing before taking a final decision on the matter.:-

- i. She is an inter-caste married person and is included in the preference category and is eligible for retention in her home station Kottayam during the General Transfer 2023.

- ii. Her marriage was solemnized in 2021 and have availed the benefit of inter-caste marriage only during the General Transfer 2022. Hence she is eligible to retain in home station for five years from 2022 onwards.
- iii. Her daughter and aged parents are solely dependent on her and her daughter is studying in Kottayam District.
- iv. Her father in law passed away recently on 22/04/2023 and she have to take responsibility of her aged mother in law also.
- v. She have obtained PhD permanent registration under KUHS with Government Dental College, Kottayam as the Centre and started the project at the same Centre.
- vi. The Principal, Government Dental College, Kottayam has reported to Director of Medical Education that the post of Associate Professor created on 19/12/2020 in the Department of Oral Pathology and Microbiology is now lying vacant and there is no eligible candidate at present for filling up the vacant post.

3. As authorized, the applicant was heard by the Under Secretary, Health & Family Welfare Department on 30.09.2023. The officials concerned in the O/o the Director of Medical Education also presented in the hearing.

4. During hearing, the applicant has informed that there is nothing more to disclose than what she stated in the Review Petition. In addition to this ,she has also stated that she is the senior most Assistant Professor in the Department of Oral Pathology and Microbiology and hence requested to give consideration for accommodation at Government Dental College, Kottayam in the post of Associate Professor.

5. The Officials from the O/o the Director of Medical Education has stated that during General Transfer 2023, Dr.Deepa.A.G, Assistant Professor, Oral Pathology & Microbiology, Government Dental College, Thrissur has applied for transfer to her home station i.e. Government Dental College, Kottayam since she had completed five years of service at Government Dental College, Thrissur. As Dr.Deepa.A.G is eligible for transfer to her opted station and Dr.Indu.M have more than five years of service at Government Dental College, Kottayam and another Assistant Professor working in Government Dental College, Kottayam has only one year service, it has been decided to transfer Dr. Dr.Deepa.A.G and Dr.Indu.M mutually. They have also stated that if the request of Dr.Indu.M is considered, it will adversely affect the day to day functioning of the Department of Oral Pathology & Microbiology in Government Dental College,

Thrissur since the post of Professor is lying vacant and at present there is no substitute available to post in place of Dr.Indu.M. Moreover in the General Transfer 2022, the applicant has been exempted from transfer by giving the benefit of special priority category and it is not proper to give this benefit every year.

6. Government have examined the matter in detail. Dr.Indu.M, joined at Government Dental College, Kottayam on 05.01.2018 and she has completed more than 5 years of service there. The sanctioned strength of faculties in the Department of Oral Pathology & Microbiology at Government Dental College, Kottayam is Assistant Professor-2, Associate Professor-2 and Professor-1. One post of Associate Professor is lying vacant now. Whereas in Government Dental College, Thrissur, the sanctioned strength of faculties in the Department of Oral Pathology & Microbiology is Assistant Professor-2, Associate Professor-1 and Professor-1. The post of Professor is lying vacant now. If the request of Dr.Indu.M is considered, the Department will have only one Assistant Professor and one Associate Professor. It will affect the smooth functioning of the Department.

7. The contention of the applicant is that her marriage was solemnized in 2021 and have availed the benefit of inter-caste marriage only during the General Transfer 2022 and hence she is eligible to retain in home station for five years from 2022 onwards. As per the existing guidelines for general transfer issued vide G.O(P) No.3/2017/P&ARD dated 25.02.2017, it is stipulated that "Protection for Special priority categories shall be fixed for a maximum period of 5 years. Here the applicant have already completed 5 and more years of service at her home station and her argument to give continuous service in the same station by treating as a Special Priority Category cannot be considered at present.

8. Her other contention is that she is doing Ph.D programme with Government Dental College, Kottayam as the Centre and if she retains there, it will help her to continue her Ph.D smoothly. But this is not acceptable since she is doing part time Ph.D and hence whichever is her Research Centre or whoever is her Research Guide, she is obliged to work at any place where she is appointed.

9. The request of the applicant cannot be considered due to the following facts:-

- i. She had already completed more than five years of service in her home station and giving continuous service of another five years in the same station from 2022 onwards by treating as a Special Priority Category cannot be acceptable.
- ii. Dr.Deepa.A.G, Assistant Professor, Oral Pathology & Microbiology is eligible to get transfer to her home station at Government Dental College, Kottayam as she had completed 5 year of service at Government Dental College, Thrissur.
- iii. Dr.Deepthi.P.V, Assistant Professor presently working in Government Dental College, Kottayam have only one year and 5 months service there.
- iv. If an incumbent have more than 5 year of service in a particular station, she is bound to transfer when a deserving person opted that place.
- v. The post of Professor in the Department of Oral Pathology & Microbiology at Government Dental College, Thrissur is lying vacant and at present there is no substitute available to post there in place of Dr.Indu.M. If the request of the applicant is considered, the Department of Oral Pathology & Microbiology at Government Dental College, Thrissur will have only one Assistant Professor and one Associate Professor. It will affect the smooth functioning of the Department.

10. In the above circumstances, the request of Dr.Indu.M to review the transfer order issued by the Director of Medical Education by transferring her from Government Dental College, Kottayam to Government Dental College, Thrissur or to accommodate her in the vacant post of Associate Professor in the Department of Oral Pathology and Microbiology, Government Dental College, Kottayam is hereby rejected.

11. The order dated 01.09.2023 of the Hon'ble Kerala Administrative Tribunal in OA No. 1430/2023 is complied with accordingly.

(By order of the Governor)

BINDU.O.

UNDER SECRETARY

The Advocate General, Thiruvananthapuram (with C/L)

The Director of Medical Education, Thiruvananthapuram.

Dr.Indu.M, Assistant Professor, Department of Oral Pathology & Microbiology,  
Government Dental College, Thrissur

The Principal Accountant General (Audit/A&E), Kerala,  
Thiruvananthapuram.

The Information & Public Relations Department (Web & New Media)  
Stock File (B1/246/2023-Health)

Forwarded/By order

Section Officer