



**GOVERNMENT OF KERALA**

**Abstract**

Health & Family Welfare Department – Judgment of the Hon'ble High Court in WP(C) No. 27374/2009 filed by Dr. Sreejitha. P.S – Directions complied with – Orders issued.

**HEALTH & FAMILY WELFARE (J) DEPARTMENT**

G.O.(Rt)No. 400/2011/H&FWD Dated, Thiruvananthapuram, 01/02/2011.

Read:- 1. File No. RIC(1) 47878/06/GW dated 13/02/08 from the Secretary,

Kerala Public Service Commission

2. Proceedings No. 3266/E1/01/GHMCT dated 28/02/08 issued by the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.
3. Proceedings No. 1706/E1/08/GHMCT dated 08/07/09 from the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.
4. Representation dated 20/09/2009 submitted by Dr. Sreejitha. P.S (Ext. P7 in WP(C) No. 27374/09)
5. Judgment dated 30/09/09 of the Hon'ble High Court in the WP(C) No. 27374/09.
6. Letter No. 1706/E1/09/GHMCT dated 04/12/09 from the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.
7. Letter No. A1(3) 25468/10/GW dated 25/10/2010 from the Secretary, Kerala Public Service Commission.
8. Letter No. 5036/E1/10/GHMCT dated 28/12/2010 from the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.

**ORDER**

As per the advice of the Kerala Public Service Commission read as 1<sup>st</sup> paper, the Principal & Controlling Officer, Government Homoeopathic Medical College had appointed Dr. Sreejitha. P.S as Tutor in the Department of Social & Preventive Medicine in the Government Homoeopathic Medical College, Thiruvananthapuram as per the proceedings

read as 2<sup>nd</sup> paper. Subsequently she had joined duty on 22/03/08 at Government Homoeopathic Medical College, Thiruvananthapuram. But after two months she had entered on continuous leave from the department. Sanction has been accorded for Leave Without Allowance on medical ground with effect from 14/05/2008 to 28/05/2008, 02/06/2008 to 30/06/2008 and 01/07/2008 to 10/07/2008. Dr. Sreejitha. P.S was directed to report for duty vide letter No. 1706/E1/2000/GHMCT dated 28/08/2008 of the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram. Even after this, she had not joined for duty. Explanation was also sought from the petitioner for not attending duty. She has not responded to the memo and hence a showcause notice was issued by the Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram as per letter dated 29/09/2008 with instructions to furnish the explanation within 15 days and if not the matter will be proceeded on the presumption that she has nothing to offer. Even after issuing showcause notice no explanation was received from her. Hence the showcause has been published in the Malayala Manorama and Mathrubhumi dailies. No reply was received from the petitioner against these publications also. In the circumstances, final order terminating the probation of the delinquent under Rule 19(a)(ii) of KS&SSRs was issued by the Principal & Controlling Officer as per the proceedings read as 3<sup>rd</sup> paper above.

2. Subsequently she filed WP(C) No. 27374/09 before the Hon'ble High Court and the Hon'ble High Court disposed of the WP(C) as per the judgment read as 5<sup>th</sup> paper, with a direction to the Government to take a decision on Ext. P7 representation read as 4<sup>th</sup> paper above.

3. The petitioner, Dr. Sreejitha. P.S was heard by the Under Secretary, on 29/12/09. She made certain dispositions and Government have examined the case with reference to the contention made by the petitioner and also the facts related to the case. On examining her academic records it is seen that Dr. Sreejitha. P.S has excellent academic records. She was 2<sup>nd</sup> rank holder in the BHMS Examination conducted in 1998 and had obtained 1<sup>st</sup> rank in the Entrance Examination held in 2001, a brilliant academic record and her service will help the Department for better performances. She was a native of Kozhikode but her posting was at Thiruvananthapuram. Since her child and herself were continuously in treatment she could not successfully carry out her duties as a Tutor at Government Homoeopathic Medical College, Thiruvananthapuram. The treatment of the petitioner and also her child during the period has been established in the records submitted at the time of the hearing.

4. In the above circumstances Government have decided to consider the request of the petitioner for reinstatement in service, favourably and a tentative decision has been taken to quash the order read as 3<sup>rd</sup> paper issued by the Principal & Controlling Officer terminating her probation after obtaining advice from the Kerala Public Service Commission under regulation No. 6(1)(c) of the KPSC consultation and Regulations.

5. The commission have examined the case and agreed to the tentative decision taken by the Government as per the letter read as 7<sup>th</sup> paper.

6. In view of the decision taken above and of the advice of the Kerala Public Service Commission Government are pleased to reinstate Dr. Sreejitha. P.S in service as Tutor by downgrading one post of Lecturer (which is lying vacant for want of qualified hands to be promoted to that post) in the Department of Social & Preventive Medicine in

Government Homoeopathic Medical College, Thiruvananthapuram to Tutor till a regular hand is available for promotion. The reinstatement of Dr. Sreejitha. P.S as above is subject to the condition that her seniority in the cadre of Tutor will be reckoned only with effect from the date of rejoining duty.

7. Dr. Pradeep Kumar, Tutor, Department of Social & Preventive Medicine, Government Homoeopathic Medical College, Kozhikod (whose home station is in Thiruvananthapuram) is transferred and posted in the Government Homoeopathic Medical College, Thiruvananthapuram and Dr. Sreejitha. P.S is posted as Tutor in the Government Homoeopathic Medical College, Kozhikode vice Dr. S. Pradeep Kumar transferred.

8. As and when a regular hand becomes eligible for promotion to the post of Lecturer the Tutor who is accommodated against the downgraded post will be accommodated against the post vacated by the incumbent who has been promoted as Lecturer.

9. The Ext. P7 representation read as 4<sup>th</sup> paper is disposed as above and thereby the directions of the Hon'ble High Court contained in the judgment read as 5<sup>th</sup> paper are thus complied with.

(By order of the Governor)

**B. SREEKUMARAN NAIR**

**Under Secretary to Government**

To

Dr. Sreejitha. P.S, W/o Subash Mohan, Residing at 44/333, Near Rajendra Nursing Home, Balan. K. Nair Road, Asokapuram, Calicut -1.

✓ The Principal & Controlling Officer, Government Homoeopathic Medical College, Thiruvananthapuram.

The Principal, Government Homoeopathic Medical College, Kozhikod.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

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

The Advocate General, Ernakulam (with C/L)

SF/OC.

Copy to: The PS to Minister (H&SW)  
The PA to Secretary (ME)

Forwarded/By order,



Section Officer.