

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No.1481 of 2015 (I)

PETITIONER:

**DR.SIMI PUSHPAN.K,ASSISTANT PROFESSOR,
DEPARTMENT OF CHEMISTRY,U.C.COLLEGE,ALUVA,
RESIDING AT, B-12,PERIYAR THEERAM APARTMENTS,
DESOM KADAVU,DESOM P.O.,ALUVA-683 102.**

BY ADV. SRI.RAJESH VIJAYENDRAN

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**
- 2. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
OFFICER OF DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
MARKETFED BUILDING,GANDHI NAGAR,
KADAVANTHARA,ERNAKULAM - 682 020.**
- 3. MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS,KOTTAYAM,
REPRESENTED BY REGISTRAR-686 562.**
- 4. UNION CHRISTIAN COLLEGE,
U.C.COLLEGE P.O.,ALUVA- 683 102,
REPRESENTED BY ITS PRINCIPAL.**

**R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.S.JAMAL
R3 BY SRI.VARGHESE M.EASO, SC, M.G.UNIVERSITY
R4 BY ADVS.SRI.SAJI VARGHESE
SMT.MARIAM MATHAI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXBT P1:TRUE COPY OF CERTIFICATE DATED 10.01.1997 ISSUED BY
PONDICHERRY UNIVERSITY.

EXBT P2:TRUE COPY OF THE CERTIFICATE DATED 26.6.1996 ISSUED BY
COUNCIL OF SCIENCE AND INDUSTRIAL RESEARCH.

EXBT P3:TRUE COPY OF THE PROVISIONAL CERTIFICATE FOR PH.D
DATED 4.10.2001 ISSUED BY IIT, KANPUR.

EXBT P4:TRUE COPY OF THE DEGREE CERTIFICATE FOR PH.D ISSUED BY
INDIAN INSTITUTE OF TECHNOLOGY, KANPUR.

EXBT P5:TRUE COPY OF THE LETTER DATED 6.5.2002 ADDRESSED TO THE
PETITIONER BY IUPAC.

EXBT P6:TRUE COPY OF THE RELEVANT PAGE OF THE JOURNAL, "CHEMISTRY
INTERNATIONAL'.

EXBT P7:TRUE COPY OF THE LETTER DATED 15.09.2013 ISSUED BY THE
PROFESSOR OF CHEMISTRY, UNIVERSITY OF REGENSBURG.

EXBT P8:TRUE COPY OF THE APPOINTMENT ORDER DATED 22.3.2013 ISSUED
BY THE 4TH RESPONDENT.

EXBT P9:TRUE COPY OF THE ELIGIBILITY CERTIFICATE DATED 22.5.2013
PERTAINING TO M.SC, ISSUED BY THE 3RD RESPONDENT.

EXBT P10:TRUE COPY OF THE ELIGIBILITY CERTIFICATE DATED 22.5.2013
PERTAINING TO PH.D, ISSUED BY THE 3RD RESPONDENT.

EXBT P11:TRUE COPY OF THE ORDER DATED 2.5.2014 ISSUED BY THE 3RD
RESPONDENT UNIVERSITY.

EXBT P12:TRUE COPY OF THE COMMUNICATION DATED 21.10.2014, ISSUED BY
THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

EXBT P13:TRUE COPY OF INTERIM ORDER OF HONOURABLE HIGH COURT OF
KERALA DATED 4.7.2014 IN WP(C) 15187/2014.

EXBT P14:TRUE COPY OF THE WORK LOAD STATEMENT AS ON 1.11.2012.

EXBT P15:TRUE COPY OF THE SENIORITY LIST AS ON 6/2012 & 3/2013.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.1481 of 2015

Dated this the 4th day of March, 2015

JUDGMENT

The petitioner has been appointed as Assistant Professor in Chemistry in the 4th respondent College. The University approved the appointment. However, the petitioner's salary and other allowances have not been disbursed on account of the objection raised by the second respondent. Accordingly, the petitioner has approached this Court.

2. In this matter, a counter affidavit has been filed by the University. It is stated that the petitioner has submitted eligibility certificate from the Mahatma Gandhi University to her PG Degree in Chemical Sciences from Pondicherry University and considering the qualification submitted, the proposal for granting approval has been accepted and approved.

3. A statement has been filed by the second respondent. It is stated that in order to verify equivalence certificate in respect of the Post Graduate Degree and Ph.D from the Mahatma Gandhi University produced along with the proposal, the Principal was asked to submit certain documents and the Principal has not complied with the same. Therefore, objection has been raised in disbursing the salary.

4. The University has approved the petitioner's qualification. The University also submits that the petitioner has been appointed in the retirement vacancy and there are sufficient work load.

In view of the above, I do not find any objection in Ext.P12, is unsustainable. There shall be a direction to the respondents to disburse the salary and allowances to the petitioner without any delay. The arrears of salary will be disbursed to the petitioner within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

The first sentence of the last paragraph of the judgment dated 04/03/2015 in W.P.(C) No.1481/2015 is corrected and substituted as “**In view of the above, I do not find any objection in Ext.P-12 is sustainable**”, as per order dated 07/04/2015 in I.A.5106/2015 in W.P(C) No.1481/2015.

Sd/-
Registrar (Judicial) in charge