

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 2771 of 2015 (V)

PETITIONER(S) :

DR.ALEENA MANOHARAN AGED 31 YEARS
ASSISTANT PROFESSOR, DEPARTMENT OF ENGLISH
CMS COLLEGE KOTTAYAM 686 001.

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

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2. PRINCIPAL SECRETARY TO GOVERNMENT
HIGHER EDUCATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001.

3. DIRECTOR OF COLLEGIATE EDUCATION
DIRECTORATE OF COLLEGIATE EDUCATION
VIKAS BHAVAN P.O, THIRUVANANTHAPURAM 695 033.

4. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOTTAYAM 686 001.

5. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR, KOTTAYAM 686 560.

6. PRINCIPAL
CMS COLLEGE KOTTAYAM 686 001.

7. MANAGER
CMS COLLEGE, KOTTAYAM 686 001.

R6-R7 BY ADV. SRI.BABU VARGHESE (SR.)
R6-R7 BY ADV. SRI.C.V.ALEXANDER
R6-R7 BY ADV. SRI.V.NARAYANA SWAMI
R BY GOVERNMENT PLEADER
R BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2771 of 2015 (V)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. COPY OF THE APPOINTMENT ORDER DATED 1.3.12.
EXHIBIT P2. COPY OF THE PHD DEGREE OF THE PETITIONER.
EXHIBIT P3. COPY OF THE ORDER OF THE 5TH RESPONDENT DATED 23.7.14.
EXHIBIT P4. COPY OF THE LETTER OF THE 4TH RESPONDENT DATED 07.10.14.
EXHIBIT P5. COPY OF THE REPLY OF THE 6TH RESPONDENT DATED 13.10.14.

RESPONDENT(S) ' EXHIBITS: nil

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\\True copy//

P.S to judge

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.2771/2015**  
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Dated this the 27th day of March, 2015

J U D G M E N T

The petitioner was appointed as Assistant Professor in the Department of English at CMS College, Kottayam. The appointment is approved by the University. This is also affirmed by the Standing Counsel for the University. The petitioner approached this Court on account of non disbursal of salary to her. This Court passed an interim order on 28/01/2015 directing the Principal of CMS College, Kottayam to forward salary of the petitioner to the Deputy Director of Collegiate Education.

2. This Court has disposed of many other writ petitions holding that once the University approves the

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appointment, the petitioner is entitled for salary. However, interest of the State, as to verify the staff pattern and the workload fixed, has to be safeguarded. Keeping that right in-tact, the writ petition is disposed of with the following directions:

i. In the light of the interim direction passed by this Court dated 28/01/2015, the Deputy Director of Collegiate Education, Kottayam shall disburse the salary to the petitioner from January, 2015 onwards.

ii. The Deputy Director of Collegiate Education, Kottayam is free to conduct an enquiry to find out any infirmity with the fixation of workload or approval given to the petitioner. However, such enquiry shall be concluded within a period of two months.

iii. The University and the Principal concerned shall co-operate with such enquiry.

iv. On conclusion of the enquiry, if it is found that the petitioner's approval is in order and there is no infirmity, the entire arrears shall be released to the petitioner within a further period of two months.

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v. The payment of salary will be subject to the outcome of such enquiry by the Deputy Director of Collegiate Education. No costs.

A.MUHAMED MUSTAQUE, JUDGE

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