

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 5154 of 2015 (T)

PETITIONER(S):

**LEKSHMI.R.S,
ASSISTANT PROFESSOR IN PHYSICS,
SREE NARAYANA COLLEGE, NATTIKA, THRISSUR DISTRICT.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI**

RESPONDENT(S):

- 1. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
THRISSUR 680 020.**
- 2. UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY P.O.
MALAPPURAM 673 635.**
- 3. THE MANAGER
SREE NARAYANA TRUST, TRUST OFFICE, KOLLAM 691001.**
- 4. THE PRINCIPAL,
SREE NARAYANA COLLEGE, NATTIKA, THRISSUR 680572.**

**R1 BY SENIOR GOVERNMENT PLEADER SMT.SUNITHA VINOD
R2 BY SRI.SANTHOSH MATHEW,SC,
R3 BY ADV. SRI.A.N.RAJAN BABU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-03-2015,
ALONG WITH WPC.NO.24669/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 5154 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER DATED 16.01.2013**

**P2: TRUE COPY OF THE ORDER U.O.NO.1348/2014/CU DATED 12.02.2014 ISSUED
BY THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos.24669 of 2014 & 5154 OF 2015

Dated this the 31st day of March, 2015

JUDGMENT

The above writ petitions are filed by the Assistant Professors, who were appointed in various colleges under the Corporate Management of S.N.Trusts. These petitioners were appointed after the selection made by the duly constituted Selection Committee which includes a representative of the Government. Their appointments have been approved by the University concerned. They approached this Court on account of non disbursal of salary with effect from the date of appointment. In these writ petitions, this Court by an interim order directed the Government to pay the current month salary onwards. The main issue in these writ petitions is regarding the work load and non sanctioning of the post.

2. The learned Government Pleader highlighted that S.N.Trusts being a Corporate Management, it is for the want of details regarding the excess teachers in their various colleges coming under the different Universities and also on

account of non sanctioning of the posts in those colleges, they are unable to disburse the salary. It is further submitted that in most of the appointments made in the colleges coming under the S.N.Trust Corporate Management, the management had not obtained sanction from the Government to appoint teachers.

3. The case of the Standing counsel for the S.N.Trust is that even though there are sufficient work load in the colleges, post is not sanctioned.

4. It appears that there is practical difficulty in identifying the details regarding the excess teachers and to sanction the post for the reason that S.N.Trust is having around 14 aided colleges in Kerala under their Management and there is no co-ordination to find out excess teachers in those colleges.

5. It is to be noted that the petitioners are appointed after selection process made by a duly constituted Selection Committee. Petitioners cannot be denied their salary, once approval is granted, on account of doubt arisen in relation to the work load and sanctioning of the post, which are all matters exclusively coming under the domain of the University and Collegiate Education. The moment, the

University approved the petitioners' appointment by taking note of the work load and the qualifications of the Assistant Professor, necessarily they are entitled for salary. However, objections raised by the Directorate of Collegiate Education cannot be ignored, for the reason that it is their duty to supervise the approval granted by the University and to find out whether the University while granting approval has adverted to the Rules and Regulations coming under the Universities Act and whether the appointment has been made to the admissible post. I am of the view that, the interest of the State to conduct an enquiry into this matter has to be safeguarded.

6. In view of the above facts and circumstances, these writ petitions can be disposed of as follows:

a). The interim order already passed by this court to pay the current month salary onwards will continue.

b). The Directorate of Collegiate Education shall, after consulting with the Government, the Principals and the Universities concerned, complete the entire exercise regarding the concurrence for the approval of appointment of the writ petitioners within a period of four months from the date of

receipt of a copy of this judgment.

c). The salary already paid or payable to the petitioners will be subject to the decision being taken by the Directorate of College Education, after completing such exercise.

d). On completion of such enquiry, if it is found that the petitioners are entitled for approval, the entire arrears shall be paid to the writ petitioners with effect from the date of appointment or from the date on which the claim is admissible, within a further period of three months thereafter.

e). Direction to pay the current month salary onwards will be subject to the satisfaction of the Deputy Director of Collegiate Education that the petitioners' appointment has been approved by the University concerned.

The writ petitions are disposed of with the above directions.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

