

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 5473 of 2015 (H)

PETITIONER(S) :

SANGEETHA G.NAIR,
ASSISTANT PROFESSOR, DEPARTMENT OF ENGLISH,
SREE NARAYANA GURU COLLEGE, CHELANNUR, CALICUT,
"ACE TRIDENT", 7A, KARAPPARAMPU,
KRISHNAN NAIR ROAD, KOZHIKODE 673010

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S) :

1. PRINCIPAL, SREE NARAYANA COLLEGE, CHELANNUR
KOZHIKODE 673616

2. UNIVERSITY OF CALICUT,
REP. BY ITS REGISTRAR, UNIVERSITY CAMPUS, THENJIPALAM,
KOZHIKODE 673004

3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOZHIKODE 673001

4. DIRECTOR OF COLLEGIATE EDUCATION,
6TH FLOOR, VIKAS BHAVAN, THIRUVANANTHAPURAM 695033

R BY GOVERNMENT PLEADER SRI.M.A.FAYAZ (SR.)
R BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 5473 of 2015 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:A TRUE COPY OF THE LETTER NO.34432/D2/2010/H. EDN. DATED
29.09.2010 ISSUED TO THE 4TH RESPONDENT

P2:A TRUE COPY OF THE MINUTES MEETING OF THE SELECTION COMMITTEE HELD
AT 10 AM ON 06.12.2010 AT S.N. COLLEGE, CHERTHALA

P3:A TRUE COPY OF THE ORDER NO.2/SNT/2779 DATED 23.12.2010 OF THE
MANAGER, S.N. COLLEGES

P4:A TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE SREE NARAYANA
TRUSTS, KOLLAM TO THE PETITIONER AS ORDER NO.2/SNT/2861 DATED
23.12.2010

P5:A TRUE COPY OF THE ORDER UN.NO.5856/2013/CU DATED 21.11.2013
ISSUED BY THE 2ND RESPONDENT

P6:A TRUE COPOY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 4TH RESPONDENT DATED 23.07.2014

RESPONDENT(S) ' EXHIBITS
-----: NIL

/TRUE COPY/ P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos. 5473 OF 2015

Dated this the 25th day of March, 2015

JUDGMENT

The above writ petition is filed by the Assistant Professor who was appointed in S.N.G.College Calicut, coming under the Corporate Management of S.N.Trusts. The petitioner was appointed after the selection made by the duly constituted Selection Committee which includes a representative of the Government. Her appointment has been approved by the University concerned. She approached this Court on account of non disbursal of salary with effect from the date of appointment. The main issue in this writ petition 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 coordination to find out excess teachers in those colleges.

5. It is to be noted that the petitioner is appointed after selection process made by a duly constituted Selection Committee. Petitioner cannot be denied her 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 petitioner's appointment by taking note of the work load and the qualifications of the Assistant

Professor, necessarily she is 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.

5. In view of the above facts and circumstances, this writ petition can be disposed of as follows:

a). The petitioner shall be paid the current month salary onwards.

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 petitioner 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 petitioner

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 all the petitioner is entitled for approval, the entire arrears shall be paid to her 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 petitioner's appointment has been approved by the University concerned.

The writ petition is disposed of with the above directions.

**Sd/-
A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

