

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 6586 of 2015 (W)

PETITIONER(S) :

JOSNA RAJAN, AGED 39 YEARS,
D/O.C.K.RAJAN, KEERTHANAN, NEETHI NAGAR-9
PATTATHANAM, KOLLAM - 21
NOW WORKING AT GOVERNMENT ARTS AND SCIENCE COLLEGE
BALUSSERY, KOZHIKODE.

BY ADV. SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENT(S) :

1. THE MANAGER, S.N.COLLEGE, KOLLAM
691 001.

2. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM - 695 034.

3. DIRECTOR OF COLLEGIATE,
EDUCATION, THIRUVANANTHAPURAM - 695 001.

4. DEPUTY DIRECTOR,
COLLEGIATE EDUCATION, KOLLAM - 691 001.

5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY
HIGHER EDUCATION DEPARTMENT
THIRUVANANTHAPURAM - 695 001.

R1 BY ADV. SRI.A.N.RAJAN BABU

R1 BY ADV. SRI.A.R.EASWAR LAL

R4 BY ADV. GOVERNMENT PLEADERSMT.SUNITHA VINOD

R2 BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-03-2015, ALONG WITH W.P.(C) NO.8182 OF 2015 THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C).No. 6586 of 2015 (W)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED
1/10/12

P2: TRUE COPY OF THE WORK LOAD ASSESSMENT IN S.N.COLLEGE FOR WOMEN,
KOLLAM

P3: TRUE COPY OF THE APPROVAL ORDER DATED 25/4/2014

P4: TRUE COPY OF THE WORK LOAD ASSESSMENT IN S.N.COLLEGE CHATHANNOOR
DT. 6/1/2012.

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/ P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos. 6586 & 8182 OF 2015

Dated this the 30^h 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. 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 coordination 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 petitioners 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 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 all 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.

A.MUHAMED MUSTAQUE, J.

**W.P.(C) Nos. 3797,3967,4257,4290,4311,
4370& 5322 OF 2015**

Dated this the 2nd day of March, 2015

O R D E R

The respondent-University has approved the appointment of the petitioners. However, the Director of Collegiate Education objected the petitioners' approval on citing that there are no sufficient work load.

2. Considering the approval of the petitioners, I am of the view that salary shall be paid to the petitioners from the current month onwards.

Post the matter on 24/3/2015.

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

dpk

W.P.(C) No. OF 201

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner

The writ petition is disposed of as above.

A.MUHAMED MUSTAQUE,
Judge.

dpk

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

