

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 6813 of 2014 (B)

PETITIONER(S):

**DR.RENJITH .P.G,
ASSISTANT PROFESSOR IN SANSKRIT
SREE NARAYANA MANGALAM COLLEGE (SNM COLLEGE)
MALIANKARA - 683 516.**

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

RESPONDENTS:-:

- 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,
THIRUVANANTHAPURAM - 695 001.**
- 4. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
ERNAKULAM - 682 011.**
- 5. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, KOTTAYAM - 686 560.**
- 6. SREE NARAYANA MANGALAM COLLEGE (SNM COLLEGE),
REPRESENTED BY ITS MANAGER, MALIANKARA - 683 516.**

**R1-4 BY SENIOR GOVERNMENT PLEADER SMT.LOWSY.A.
R5 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY
R5 BY DR.P.LEELAKRISHNAN, SC, M.G.UNIVERSITY
R6 BY ADV. SRI.K.B.GANGESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. PHOTOCOPY OF THE POST OF ADALATH REVIEW STATEMENT DATED 16.10.2013.

EXHIBIT P2. PHOTOCOPY OF THE ADVERTISEMENT IN NEW INDIA EXPRESS DATED 13.10.2010.

EXHIBIT P3. PHOTOCOPY OF THE ADVERTISEMENT IN NEW INDIA EXPRESS DATED 24.02.2012.

EXHIBIT P4. PHOTOCOPY OF THE ORDER OF THE 2ND RESPONDENT DATED 17.07.2012.

EXHIBIT P5. PHOTOCOPY OF THE MINUTES OF THE SELECTION COMMITTEE DATED 18.09.2012.

EXHIBIT P6. PHOTOCOPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 22.09.2012.

EXHIBIT P7. PHOTOCOPY OF THE UNIVERSITY ORDER DATED 26.08.2013.

EXHIBIT P8. PHOTOCOPY OF THE LETTER ADDRESSED TO THE 4TH RESPONDENT BY THE PRINCIPAL DATED 23.09.2013.

EXHIBIT P8(A).ENGLISH TRANSLATION OF EXHIBIT P8

EXHIBIT P9. PHOTOCOPY OF THE LETTER OF THE 4TH RESPONDENT DATED 19.12.2013.

EXHIBIT P9(A).ENGLISH TRANSLATION OF EXHIBIT P9

EXHIBIT P10. PHOTOCOPY OF THE REPLY DATED 24.12.2013.

EXHIBIT P10(A).ENGLISH TRANSLATION OF EXHIBIT P10

EXHIBIT P11. PHOTOCOPY OF THE FORWARDING LETTER TO THE SALARY BILL DATED 19.02.2014.

EXHIBIT P11(A).ENGLISH TRANSLATION OF EXHIBIT P11

EXHIBIT P12. PHOTOCOPY OF THE REPRESENTATION DATED 16.12.2013.

RESPONDENT(S)' EXHIBITS

EXHIBIT R4(A); COPY OF THE LR.NO.F1/6509/2013 DATED 9/2/13

EXHIBIT R4(b): COPY OF THE LR.NO.F1/6509/2013 DATED 13/2/14

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EXHBIT R4(C): COPY OF THE LR.NO.AC.BLL/9865/2013 DATED 12/2/14

**EXHBIT R5(A): COPY OF ASSESSMENT VIDE R.NO.F16527/2011 DT.26/12/2011 BY THE
DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, ERNAKULAM.**

**EXHBIT R5(B): COPY OF REPLY LETTER DT.12/2/2014 BY THE R5 UNIVERSITY TO THE
DEPUTY DIRECTOR OF COLLEGIATE EDUCATION ERNAKULAM.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.6813 of 2014

Dated this the 29th day of January 2015

JUDGMENT

The petitioner was appointed as Assistant Professor in Sanskrit at SNM College in Maliankara. He was appointed pursuant to the notification issued by the College and the petitioner's appointment has been approved by the University. The petitioner approached this Court on account of non-payment of salary and consequential benefits with effect from the date of appointment. The petitioner has been appointed with effect from 24.9.2012.

2. In this matter, a counter affidavit has been filed by the University and submits that the petitioner's appointment has been approved. However, in the counter affidavit filed by the 4th respondent submitted that the College advertised appointment to the post of Sanskrit as a part time and the

appointment of the petitioner has been made in the full time post of the Assistant Professor. Therefore, the approval granted by the University is irregular and no salary can be paid to the petitioner.

3. It can be seen from Ext.R4(c) that the post vacant was a full time post. The only mistake is committed by the Management in publishing in one of the newspapers as part time post. It is submitted that in all other notification, the notification clearly indicates that the applications were invited for permanent post.

4. Therefore, it is submitted by the learned counsel that merely because of the mistake occurred in the notification cannot be a ground to deny the salary to the petitioner. In view of the fact that the petitioner has been appointed as full time post and the University having approved his appointment, there is no reason to deny the benefit to the petitioner.

In view of the facts and circumstances, there shall be a direction to the fourth respondent to sanction the salary bill to the petitioner and the arrears of salary shall be paid within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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