

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. 6975 of 2015 (V)

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PETITIONER(S) :

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SANTHOSH.P.JOSE,  
ASSISTANT PROFESSOR, DEPARTMENT OF PHYSICS,  
VIMALA COLLEGE, THRISSUR.

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) :

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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 CORPORATE MANAGER,  
C.M.C. EDUCATIONAL AGENCY,  
(ST.MARY'S&VIMALA COLLEGES) TRINITY CONVENT,  
KOLAZHY P.O, THRISSUR -680 010

4. THE PRINCIPAL,  
VIMALA COLLEGE, THRISSUR - 680 010.

R BY GOVERNMENT PLEADER SRI.M.A.FAYAZ  
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. 6975 of 2015 (V)

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APPENDIX

PETITIONER(S) ' EXHIBITS

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EXT.P1 - TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 3RD  
RESPONDENT TO THE PETITIONER DATED 02-01-2013

EXT.P2 - TRUE COPY OF THE ORDER U.O. NO.5281/2013/CU DATED 06-11-2013  
ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

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/TRUE COPY/ P.S. TO JUDGE.

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.6975 OF 2015**  
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Dated this the 25<sup>th</sup> day of March, 2015

**JUDGMENT**

The above writ petition is filed by the Assistant Professor who was appointed in Vimala College, coming under the Corporate Management of C.M.C. Educational Society. The petitioner was appointed after the selection made by the duly constituted Selection Committee which includes a representative of the Government. His appointment has been approved by the University concerned. He 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. It is to be noted that the petitioner is appointed after selection process made by a duly constituted Selection Committee. Petitioner cannot be denied his 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.**















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**W.P.(C) No. OF 201**  
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Dated this the 25<sup>th</sup> day of March, 2015

**JUDGMENT**

The petitioner

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,  
Judge.**

dpk















