

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).NO. 16063 OF 2015 (G)

PETITIONER(S)/PETITIONER:

THE MANAGER,
S.E.S.COLLEGE, SREEKANDAPURAM, KANNUR DISTRICT
PIN-670631.

BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.SEBASTIAN JOSEPH (KURISUMMOOTTIL)

RESPONDENT(S)/RESPONDENTS:

1. THE KANNUR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, THAVAKKARA
CIVIL STATION.P.O, KANNUR, PIN-670002.

2. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOZHIKODE.

3. M.MURALEEDHARAN,
ASSOCIATE PROFESSOR, DEPARTMENT OF CHEMISTRY
S.E.S.COLLEGE, SREEKANDAPURAM, KANNUR DISTRICT
PIN-670631.

4. BABY THOMAS,
ASSOCIATE PROFESSOR, DEPARTMENT OF ENGLISH
S.E.S.COLLEGE, SREEKANDAPURAM, PIN-670631.

BY GOVERNMENT PLEADER SMT.LOWSY.A
BY SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 16063 OF 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 TRUE COPY OF THE ORDER DATED 11958/D2/15/H.EDN.DATED 16-5-2015

EXT.P2 TRUE COPY OF THE APPLICATION DATED 18-5-2015 SUBMITTED BY THE BEFORE THE FIRST RESPONDENT

EXT.P3 TRUE COPY OF ORDER NO.1000/SES/2015 DATED 30-03-2015

EXT.P4 TRUE COPY OF THE JUDGMENT DATED 9/4/2015 IN W.P(C)11860/2015

EXT.P5 TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DT.13/5/2015

EXT.P6 TRUE COPY OF ORDER NO.1000/SES/2015 DATED 18-05-2015

EXT.P7 TRUE COPY OF THE ORDER DATED 18/5/2015 APPOINTING THE 3RD RESPONDENT AS THE PRINCIPAL IN CHARGE OF THE COLLEGE

EXT.P8 TRUE COPY OF THE ORDER APPOINTING THE 4TH RESPONDENT AS THE DRAWING AND DISBURSING OFFICER

EXT.P9 TRUE COPY OF THE COVERING LETTER DATED 18/5/2015 FORWARDED TO THE FIRST RESPONDENT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.16063 of 2015

.....
Dated this the 4th day of June, 2015

J U D G M E N T

The petitioner is the Manager of S.E.S College, Sreekandapuram, an aided College affiliated to Kannur University. In anticipation of a vacancy which the management was proposing to fill up through a regular selection process, the petitioner had appointed the 3rd and 4th respondents as the Principal and Drawing and Disbursing Officers respectively, by issuing Exts.P7 and P8 appointment orders. The said appointments made by the petitioner have not been approved by the respondent University till date. In the meanwhile, however, the salary bills that were forwarded to the 2nd respondent, by the 3rd and 4th respondents, were returned by the 2nd respondent on the ground that the bills were forwarded by persons whose appointment had not been approved by the respondent University. It is under these circumstances, that the petitioner has approached this Court with a prayer for a direction to the respondent University to pass orders approving the appointment of the 3rd and 4th respondents. The petitioner also prays for a direction to the 2nd respondent to process the salary bills forwarded to the 2nd respondent, by the 3rd and 4th respondents, without insisting on an approval of their appointment by the respondent University, in the meanwhile.

2. I have heard the learned counsel for the petitioner, the learned Standing counsel for the 1st respondent and the learned Government Pleader for the 2nd respondent.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking note of the peculiar situation prevailing in the College under the management of the petitioner, whereby respondents 3 and 4 were appointed as the Principal and Drawing and Disbursing Officers in-charge of forwarding the salary bills for processing by the 2nd respondent, so that the teaching and non-teaching staff of the College would get the salaries in time, and a decision on the approval of the said appointments is pending consideration before the respondent University, I am of the view that there is a necessity for issuing a direction to the 1st respondent to consider and pass orders on Exts.P7 and P8 appointment orders in the matter of grant of approval to the said appointments. I do so. The 1st respondent shall pass orders as directed within a period of one month from the date of receipt of copy of the judgment after hearing the 3rd and 4th respondents. To take care of the salary payments in the interregnum, I direct the 2nd respondent to process the salary bills forwarded by the 3rd and 4th respondents, which are pending

consideration before the 2nd respondent, expeditiously and without waiting for any order of the 1st respondent, approving the appointments of the 3rd and 4th respondents.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns