

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 17491 of 2014 (J)

PETITIONER :

**DHANYA KRISHNA, AGED 28 YEARS
D/O. V. BALAKRISHNAN, ASSISTANT PROFESSOR
DEPARTMENT OF COMMERCE, S.N COLLEGE, CHELANNUR
RESIDING AT SREEKRISHNA HOUSE, PULIYANCHERI
MUCHUKUNNU P.O., KOYILANDY, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON**

RESPONDENT(S) :

- 1. THE PRINCIPAL,
SREE NARAYANA COLLEGE
CHELANNUR, KOZHIKODE DISTRICT
PIN- 673616.**
- 2. UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR
CALICUT UNIVERSITY CAMPUS, CALICUT UNIVERSITY
MALAPPURAM, PIN- 676505.**
- 3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOZHIKODE, PIN- 673001**
- 4. DIRECTOR OF COLLEGE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695001**
- 5. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM- 695001**

**R1 BY ADV. SRI.A.N.RAJAN BABU
R2 BY ADV. SRI.SANTHOSH MATHEW, SC
R3 & R4 BY SR. GOVT. PLEADER SRI. S. JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-03-2015,
ALONG WITH WP(C) NO. 17512/2014 & CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 17491 of 2014 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE PUBLICATION IN MATHRUBHOOMI DAILY DATED 29-02-2012.
- EXHIBIT P2 TRUE COPY OF THE KAUMDI DAILY DATED 15-02-2012.
- EXHIBIT P3 TRUE COPY OF THE APPOINTMENT ORDER NO. 2/SNT/2856(V) DATED 17-10-2012 ISSUED TO PETITIONER.
- EXHIBIT P4 TRUE COPY OF THE JOINING REPORT DATED 29-10-2012.
- EXHIBIT P5 TRUE COPY OF THE ORDER OF APPROVAL BY THE UNIVERSITY DATED 05-11-2013.
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 19-05-2014.
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 11-06-2014.
- EXHIBIT P8 TRUE COPY OF THE STATEMENT OF WORKLOAD REPORT.
- EXHIBIT P9 TRUE COPY OF THE JUDGMENT DATED 07-03-2014 IN WPC NO. 1485/2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C)Nos.17491, 17512, 17513, 17530
& 17540 of 2014

Dated this the 4th day of March, 2015

JUDGMENT

These writ petitions are filed by the teachers who were appointed in Sree Narayana Colleges under the Corporate Agency-Sree Narayana Trusts. The teachers are appointed in Colleges affiliated to the Calicut and Kannur Universities. They are denied salary based on the objection raised by the Collegiate Education. The objection of the Collegiate Education is that in some of the Colleges under the S.N.Trust in other Universities, excess teachers are working and without deploying those teachers' appointments are irregular. It is also raised an objection that without verifying the actual workload in the Colleges, the approval has been granted by the Universities.

2. In all these appointments of the petitioners have been approved by the University. It is submitted by the

learned Standing Counsel for the University that the University have satisfied with the workload available to the Colleges to which the petitioners were appointed.

3. The appointments in the Colleges have been objected based on the fact that the Corporate Agency have excess teachers in other Colleges under the different Universities. The Collegiate Education have no case that the petitioners have appointed in the non-existing post. The University having approved the workload and found that there are admissible post to appoint teachers, the Collegiate Education cannot sit upon such decision unless patent illegality is pointed out. This Court in **Shalini Rachel v. Manager, Christian Colleges [2007(3) KLT 355]** and **Cheriyann Mathew v. Principal, SB College, Changanassery [1998 (2) KLT 144]**, held that once the University approved the qualification for the teachers and the workload having been verified, the Collegiate Education cannot object to the payment of salary.

In that view of the matter, these writ petitioners are allowed with the following directions:

1. The Collegiate Education shall ensure that current month salary onwards is paid to all the petitioners without any delay.
2. The entire arrears shall be paid within three months.
3. The Collegiate Education can verify with respect to each of the petitioners' appointment and find out whether there exist any irregularity in the approval granted to the appointment of the petitioners.
4. The approval granted by the University and the direction of this Court to pay the salary will be subject to decision of the Collegiate Education in such enquiry to be conducted.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE