

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 19764 of 2015 (U)

PETITIONER(S):

**THE MANAGER, SES COLLEGE, AGED 45 YEARS
SREEKANDAPURAM, KANNUR DISTRICT, PIN-670 631.**

**BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.SEBASTIAN JOSEPH (KURISUMMOOTIL)**

RESPONDENT(S):

- 1. THE KANNUR UNIVERSITY
REPRESENTED BY ITS REGISTRAR, THAVAKKARA
CIVIL STATION PO, KANNUR, PIN-670 002.**
- 2. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOZHIKODE, PIN-673 001.**
- 3. M.MURALEEDHARAN,
ASSOCIATE PROFESSOR, DEPARTMENT OF CHEMISTRY
SES COLLEGE, SREEKANDAPURAM, KANNUR DISTRICT
PIN-670 631/**
- 4. BABY THOMAS
ASSOCIATE PROFESSOR, DEPARTMENT OF ENGLISH
SES COLLEGE, SREEKANDAPURAM, PIN-670 631**

**R BY GOVERNMENT PLEADER SMT.M.J.RAJASREE
R BY SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE ORDER DATED 11958/D2/15/H.LEDN DATED 16-5-2015.
EXT.P2 : TRUE COPY OF THE APPLICATION DATED 18-5-2015 SUBMITTETD BEFORE THE FIRST RESPONDENT.
EXT.P3 : TRUE COPY OF ORDER NO.1000/SES/2015 DATED 30-3-2015
EXT.P4 : TRUE COPY OF THE JUDGMENT DATED 9-4-2015 IN WPC.NO.11860/2015
EXT.P5 : TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 13-5-2015.
EXT.P6 : TRUE COPY OF ORDER NO.1000/SES/2015 DATED 18-5-2015.
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.
EXT.P10 : TRUE COPY OF THE JUDGMNT DT 4-6-2015 IN WPC.NO.16063/2015 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.19764 OF 2015 (U)

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner is the manager of the S.E.S. College, Sreekandapuram, which is an aided college affiliated to the Kannur University. There arose a situation in the College, whereby, the earlier Principal retired from service and there was a time lag between the retirement of the earlier Principal and the appointment of a new Principal. During the said period, the petitioner had appointed respondents 3 and 4 as the Principal and Drawing and Disbursing Officers respectively, by issuing Exts.P7 and P8 orders. The salary bills that were forwarded by the College for counter signature were however returned by the 2nd respondent stating that the appointment of respondents 3 and 4 had to be approved by the University before the 2nd respondent could act on the bills submitted by the said authorities. The petitioner therefore approached this Court through a writ petition [W.P.(C).No.16063/2015], wherein, by Ext.P10 judgement, this Court directed the respondent University to consider and pass orders on the appointment orders in respect of the

3rd and 4th respondents in the matter of grant of approval. It was also made clear that, to take care of the salary bills, in the interregnum, the 2nd respondent was to process the salary bills that were forwarded by the 3rd and 4th respondents, and which were pending consideration before the 2nd respondent, without waiting for any order of the University approving the appointment of the 3rd and 4th respondents.

2. It is now brought to my notice that, although the 2nd respondent counter signed the bills that were pending before it pursuant to the directions in Ext.P10 judgment, the bills that were subsequently forwarded to the 2nd respondent, were not counter signed for the very same reason, namely, that the University had not yet approved the appointment of the 3rd and 4th respondents. Taking note of the situation, I directed the Standing counsel for the respondent University to get instructions with regard to whether the University was taking steps to approve the appointment of 3rd and 4th respondents.

When the matter was taken up today, it is submitted by counsel for the respondent University that the petitioner College has since

appointed a new Principal, and the appointment of the said Principal has also been approved by the respondent University. Taking note of this submission, I dispose the writ petition with a direction to the 2nd respondent to consider all the salary bills that are forwarded to the 2nd respondent through the new Principal of the College and counter sign the same, expeditiously, if the salary bills are in order, so that the petitioner can effect payment of salary and other amounts, to the teaching and non-teaching staff, either present or retired, expeditiously. I make it clear that the directions in this judgment are issued based on the submission of the learned Standing counsel for the respondent University before this Court, and under the said circumstances, the 2nd respondent shall not insist on the production of any formal order of the respondent University approving the new Principal as a condition for counter signing the salary bills, if they are otherwise in order.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp