

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 24413 of 2014 (B)

PETITIONER(S) :

JOBY THOMAS,
ASSISTANT PROFESSOR, DEPARTMENT OF HISTORY,
NEWMAN COLLEGE, THODUPUZHA,
IDUKKI DISTRICT - 685 585,
RESIDING AT VAZHAKKATTU HOUSE,
AYAMKUDY (P.O), KOTTAYAM - 686 613.

BY ADVS.SRI.MILLU DANDAPANI &
SRI.M.RAMACHANDRAN (KALOOR).

RESPONDENT(S) :

1. THE DIRETOR OF COLLEGIATE EDUCATION,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM - 695 001.
2. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCTION,
ERNAKULAM - 682 030.

*ADDL. R3 IMPEADED

3. THE PRINCIPAL,
NEWMAN COLLEGE, THODUPUZHA EAST,
IDUKKI DISTRICT, PIN - 685 585.

(*ADDL. R3 IS IMPEADED AS PER ORDER DATED 28/11/2014 IN
I.A.NO.16043/2014)

BY SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ &
ADDL 3 BY ADV. SRI.V.M.KURIAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1 TRUE COPY OF THE PUBLIC ADVERTISEMENT APPEARED IN
MALAYALA MANORAMA DAILY DATED 17-04-2013 INVITING
APPLICATIONS FROM ELIGIBLE CANDIDATES FOR THE POST
OF ASSISTANT PROFESSOR.

EXHIBIT P2 TRUE COPY OF THE APPOINTMENT ORDER NO 12/13 DATED
25-06-2013 IN THE SCALE OF RS 15,600-39,100/-
ISSUED BY THE MANAGER, CORPORATE EDUCATIONAL
AGENCY, DIOCESE OF KOTHAMANGALAM TO THE PETITIONER.

EXHIBIT P3 TRUE COPY OF THE ORDER NO U.O NO 3200/B1/ ACAD/2014
DATED 26-06-2014 ISSUED BY THE ASSISTANT REGISTRAR
II (ACAD), MAHATMA GANDHI UNIVERSITY TO THE
PETITIONER.

EXHIBIT P4 TRUE COPY OF THE LETTER NO 210/4 DATED 02-07-2014
FROM THE NEWMAN COLLEGE, THODUPUZHA, ADDRESSED TO
THE 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS :

ANNEXURE R4 (A) PHOTOCOPY OF THE LETTER NO.D1/5359/2014 DATED
18/10/2014.

ANNEXURE R4 (B) THE ENGLISH TRANSACTION OF LETTER NO.D1-5359/2014
DATED 18/10/2014.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.24413 of 2014

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner was appointed as Assistant Professor in History in the Newman College, Thodupuzha. The appointment has been approved by the University. The petitioner has approached this Court on account of non-disbursal of salary to him.

2. In the counter affidavit filed by the Deputy Director of Collegiate Education, it is stated that certain clarifications were sought for from the Principal of the College and they are yet to receive the clarifications in the matter.

3. Considering the nature of powers being exercised by the Deputy Director, the following orders are issued:

(i) The petitioner shall be paid current salary onwards, based on approval granted by the University.

(ii) The 3rd respondent shall cooperate with the Deputy Director of Collegiate Education and shall provide all details as

requested by the Deputy Director, within three weeks.

(iii) The 2nd respondent shall conduct an enquiry in the matter and find out whether the approval is in order. This enquiry shall be concluded within two months. If it is found that appointment is in order and legal, the petitioner shall be paid entire arrears of salary from the date of appointment or from the date on which the post is admissible, within three months from the date of such concurrence being given by the Deputy Director.

(iv) Payment of salary will be subject to such enquiry being conducted by the 2nd respondent.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. to Judge

st/-