

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 27957 of 2015 (T)

PETITIONER:

**SUBINA K.V., AGED 28 YEARS
W/O.SURAJ, MITHUN NIVAS, ANDALLOOR
PALAYAD P.O., KANNUR DISTRICT
WORKING AS ASSISTANT PROFESSOR IN PHYSICS
S.N. COLLEGE, CHELANNUR, KOZHIKODE.**

BY ADV. SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS:

- 1. THE MANAGER
S.N.COLLEGE, KOLLAM-691 001.**
- 2. UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR, THENJIPPALAM
MALAPPURAM DISTRICT-673 635.**
- 3. DIRECTOR OF COLLEGIATE EDUCATION
THIRUVANANTHAPURAM-695 001.**
- 4. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOZHIKODE-673 001.**
- 5. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
HIGHER EDUCATION DEPARTMENT, THIRUVANANTHAPURAM
PIN-695 001.**

**BY ADVS. SRI.A.N.RAJAN BABU
SRI.P.GOPALAKRISHNAN (MVA)
BY GOVERNMENT PLEADER SMT. A LOWSY
BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 : COPY OF THE APPOINTMENT ORDER OF THE PETITIONER
DATED 15-07-2013.
- EXT.P2 : COPY OF THE MINUTES OF THE MEETING OF THE SELECTION
COMMITTEE.
- EXT.P3 : COPY OF THE WORK LOAD ASSESSMENT.
- EXT.P4 : COPY OF THE APPROVAL ORDER DT 17-05-2014.
- EXT.P5 : COPY OF THE JUDGMENT IN WP(C).NO.17530/14
DATED 04-03-2015.

RESPONDENTS' EXHIBITS:-

- EXT.R4(A) : COPY OF THE LETTER NO.E2/4033/14 DATED 13.08.2015.
- EXT.R4(B) : COPY OF THE LETTER NO.169110/GAIL/A2/2015/ADMN.
DATED 19.09.2015.

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.27957 of 2015-T

Dated this the 23rd day of November, 2015.

JUDGMENT

The petitioner is aggrieved with the non-disbursal of salary in an appointment in the first respondent, which is approved by the University. The learned Government Pleader submits that a similar issue was considered by this Court in Ext.P5 judgment. A reading of Ext.P5 judgment shows that there was a dispute with respect to the appointments made to the S.N. Colleges all over the State. The Director of Collegiate Education in fact specifically objected to the appointments made, in excess of the requirement and this related to a number of Colleges all over the State, affiliated.

2. The petitioner is a person, who was first appointed in a College affiliated to the second respondent and was then transferred to the first respondent College, under yet another

University. This Court in Ext.P5 took notice of the two decisions of the Division Bench of this Court, holding that once the University approves the appointment of the Teachers with reference to the verified workload, then the Director of Collegiate Education cannot object to the payment of salary.

3. However, herein it is to be noticed that the Management had shifted the petitioner from one College to another. Though transfer could be effected, the Management has a responsibility to show that the post in the present College is also sanctioned. An Adalath is also said to have been conducted, wherein certain decisions were taken.

In such circumstance, the directions in Ext.P5 judgment shall be applicable herein also. The directions are as hereunder:

"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."

The petitioner's appointment and continuance in the present post shall also be verified accordingly and his salary disbursed.

The writ petition is disposed of. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/23/11/15