

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. 35026 of 2011 (C)

PETITIONER(S)

1. MUTHUMON T.R,
LECTURER(RE-DESIGNATED AS ASSISTANT PROFESSOR) DEPARTMENT
OF COMMERCE
N.S.S COLLEGE, PANDALAM,

2. SUNIL CHANDRAN,
LECTURER(RE-DESIGNATED AS ASSISTANT PROFESSOR) DEPARTMENT
OF COMMERCE ,
N.S.S COLLEGE, PANDALAM

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S) :

1. THE PRINCIPAL
NSSS COLLEGE PANDALAM 689 501

2. UNIVERSITY OF KERALA,
REP.BY ITS REGISTRAR, UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM 695 034

3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM 686 001

4. THE DIRECTOR OF COLLIGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM 695 001

5. STATE OF KERALA
REP.BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695 001

R2 BY ADV. SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.
R2 BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
R BY GOVERNMENT PLEADER SMT.SUNITHA VINOD
R BY SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.35026/2011

APPENDIX

PETITIONERS EXHIBITS;

EXT.P1: COPY OF THE APPOINTMENT ORDER ISSUED BY THE SECRETARY OF NSS COLLEGE TO THE 1ST PETITIONER DATED 9/6/2011.

EXT.P2: COPY OF THE APPOINTMENT ORDER ISSUED BY THE SECRETARY OF NSS COLLEGE TO THE 2ND PETITIONER DATED 26/5/2011.

EXT.P3: COPY OF THE MINUTES OF THE MEETING OF THE COMMITTEE FOR SELECTION OF LECTURERS DATED 2/11/2010

EXT.P4: COPY OF THE ORDER NO. ACFV/56686/2011 DATED 29/10/2011 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/ P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 35026 OF 2011

Dated this the 31st day of March, 2015

JUDGMENT

The above writ petition is filed by the Assistant Professors who were appointed in N.S.S. College, Pandalam. The petitioners were appointed after the selection made by the duly constituted Selection Committee which includes a representative of the Government. Their appointment has been approved by the University concerned. They approached this Court on account of non disbursal of salary with effect from the date of appointment. This court by an interim order directed the Deputy Director of Collegiate Education to disburse the eligible salary including arrears to the petitioners. The main issue in this writ petition is regarding the work load and non sanctioning of the post.

2. It is to be noted that the petitioners are appointed after selection process made by a duly constituted Selection Committee. Petitioners cannot be denied their salary, once approval is granted, on account of doubt arisen in relation to

the work load and sanctioning of the post, which are all matters exclusively coming under the domain of the University and Collegiate Education. The moment, the University approved the petitioners' appointment by taking note of the work load and the qualifications of the Assistant Professor, necessarily they are entitled for salary. However, objections raised by the Directorate of Collegiate Education cannot be ignored, for the reason that it is their duty to supervise the approval granted by the University and to find out whether the University while granting approval has adverted to the Rules and Regulations coming under the Universities Act and whether the appointment has been made to the admissible post. I am of the view that, the interest of the State to conduct an enquiry into this matter has to be safeguarded.

5. In view of the above facts and circumstances, this writ petition can be disposed of as follows:

a). The interim order already passed by this court, to disburse the eligible salary including arrears to the petitioners, will continue.

b). The Directorate of Collegiate Education shall, after consulting with the Government, the Principal and the

University concerned, complete the entire exercise regarding the concurrence for the approval of appointment of the writ petitioners within a period of four months from the date of receipt of a copy of this judgment.

c). The salary already paid or payable to the petitioners will be subject to the decision being taken by the Directorate of College Education, after completing such exercise.

d). On completion of such enquiry, if it is found that the petitioners are entitled for approval, the entire arrears shall be paid to them with effect from the date of appointment or from the date on which the claim is admissible, within a further period of three months thereafter.

e). Direction to pay the current month salary onwards will be subject to the satisfaction of the Deputy Director of Collegiate Education that the petitioners' appointment has been approved by the University concerned.

The writ petition is disposed of with the above directions.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/

P.S to Judge.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

