

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

W.P.(C).No.32921 of 2015 (M)

PETITIONER(S):-

LEKSHMI S. DHARAN,
ASSISTANT PROFESSOR IN CHEMISTRY,
SREE NARAYANA COLLEGE, CHENGANNUR,
NEDUVARAMCODE, ALAPPUZHA-689122.

BY ADV. SRI.S.VISHNU.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR OF COLLEGIATE EDUCATION,
THE DIRECTORATE OF COLLEGIATE EDUCATION, 6TH FLOOR,
VIKAS BHAVAN, VIKAS BHAVAN.P.O.,
THIRUVANANTHAPURAM-695033.
3. THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
ELAMBALLOOR ROAD, THEVALLY, KOLLAM-691009.
4. THE DEPUTY DIRECTOR OF EDUCATION,
NEAR FIRE STATION, VAYASKARAKUNNU, PALACE ROAD,
KOTTAYAM-686001.
5. THE MANAGER,
SREE NARAYANA COLLEGE, SREE NARAYANA TRUST,
KOTTAYAM-691001.
6. THE PRINCIPAL,
SREE NARAYANA COLLEGE, SIVAGIRI, VARKALA,
THIRUVANANTHAPURAM-695141.

7. THE PRINCIPAL,
SREE NARAYANA COLLEGE, CHENGANNUR, NEDUVARAMCODE,
ALAPPUZHA-689122.

8. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
UNIVERSITY OF KERALA CAMPUS, PALAYAM,
THIRUVANANTHAPURAM-695034.

R1 TO R4 BY GOVERNMENT PLEADER SMT.A.LOWSY.
R8 BY STANDING COUNSEL SRI.PAUL JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 TRUE COPY OF THE NOTIFICATION DATED 23.2.2012 ISSUED BY
THE 5TH RESPONDENT.
- EXT.P2 TRUE COPY OF THE PROCEEDINGS OF THE MANAGER,
SN COLLEGES, KOLLAM VIDE ORDER NO.2/SNT/794
DATED 15.7.2013.
- EXT.P3 TRUE COPY OF THE APPOINTMENT ORDER DATED 15.7.2013
ISSUED BY THE 5TH RESPONDENT.
- EXT.P3(a) TRUE COPY OF THE PROPOSAL NO.5(C)/1091 DATED 29.7.2013
SENT BY THE 5TH RESPONDENT TO THE UNIVERSITY OF
KERALA.
- EXT.P4 TRUE COPY OF THE ORDER NO.AC.F/III/1/5933/2013
DATED 1.9.2015 ISSUED BY THE 8TH RESPONDENT.
- EXT.P5 TRUE COPY OF THE JUDGMENT AS REPORTED IN
2007(3)KLT 355.
- EXT.P6 TRUE COPY OF THE JUDGMENT DATED 26.3.2015 IN
W.P.(C)9591/2014 OF THE HON'BLE HIGH COURT OF KERALA.
- EXT.P7 TRUE COPY OF THE JUDGMENT DATED 4.3.2015 IN W.P.(C)
NO.17530 OF 2014 OF THIS HON'BLE COURT.
- EXT.P8 TRUE COPY OF THE JUDGMENT DATED 23.11.2015 IN
W.P.(C) NO.27957/2015 OF THIS HON'BLE COURT.
- EXT.P9. TRUE COPY OF THE LETTER NO.G1/2(a)/729 2015-'16
DATED 5.12.2015 ISSUED BY THE 7TH RESPONDENT.
- EXT.P10 TRUE COPY OF THE LETTER NO.G3/2804/2015-16
DATED 4.12.2015 ISSUED BY THE 6TH RESPONDENT.
- EXT.P11 TRUE COPY OF THE LETTER NO.G3/2806/15-16
DATED 7.12.2015 ISSUED BY THE 6TH RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).Nos.32921 of 2015-M

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner is aggrieved with the non-disbursal of salary in an appointment in the 6th respondent, which is approved by the University. The petitioner was appointed as an Assistant Professor in Chemistry under the 5th respondent, Educational Agency, and was posted to the 7th respondent-College. The petitioner's appointment was approved by the Syndicate of the University of Kerala and orders were issued as indicated at Exhibit P4. The petitioner though was appointed on 15.07.2013, has not been paid her salary till date. The learned Government Pleader submits that a similar issue was considered by this Court in Exhibit P7 judgment. A reading of Ext.P7 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 to various Universities.

2. This Court in Exhibit P7 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. In such circumstance, the directions in Exhibit P7 judgment shall be applicable herein also. The following directions are issued:

“1. The Collegiate Education shall ensure that current month salary onwards is paid to all the petitioners within two months from today.

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 her salary disbursed.

The writ petition is disposed of. No costs.

Sd/-

K.Vinod Chandran
Judge.

Vku/-

[true copy]