

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. 8903 of 2015 (K)

PETITIONER :

**ASHA.G,
ASSISTANT PROFESSOR IN PHYSICS,
ST.GREGORIOUS COLLEGE, KOTTARAKKARA,
KOLLAM DISTRICT.**

**BY SRI.BABU VARGHESE,SENIOR ADVOCATE
ADVS. SRI.C.V.ALEXANDER
SRI.V.NARAYANA SWAMI**

RESPONDENT(S):

- 1. MANAGER & CHAIRMAN OF GOVERNING BODY
ST. GREGORIOS COLLEGE, KOTTARAKKARA,
KOLLAM DISTRICT.**
- 2. THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM-695 034.**
- 3. THE STATE OF KERALA, REPRESENTED BY THE ADDITIONAL
CHIEF SECRETARY TO GOVT., DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 4. THE DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN,
PMG JUNCTION, THIRUVANANTHAPURAM-695 033**
- 5. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOLLAM.**

**R2 BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
R3 TO R5 BY GOVERNMENT PLEADER SMT. M.J.RAJASREE**

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

sts

WP(C).NO.8903/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE NOTIFICATION PUBLISHED IN THE MATHRUBHUMI DAILY ON 7TH MARCH 2012.**
- P2 COPY OF THE APPOINTMENT ORDER DATED 16/07/2012**
- P3 COPY OF THE UNIVERSITY LETTER DATED 07/11/2012.**
- P3(A) COPY OF THE WORKLOAD STATEMENT AS ON 01/11/2012 SUBMITTED TO THE UNIVERSITY**
- P4 COPY OF THE REVISED APPOINTMENT ORDER DATED 01/06/2013**
- P5 COPY OF THE ORDER DATED 05/12/2013**
- P6 COPY OF THE LETTER DATED 01.2014 SENT BY THE PRINCIPAL OF THE COLLEGE**
- P7 COPY OF THE SAID LETTER DATED 21/05/2014**
- P8 COPY OF THE ORDER PASSED IN WP(C).NO.15483/2014**
- P8(A) COPY OF THE ORDER PASSED IN WP(C).NO.17762 OF 2014.**
- P9 COPY OF THE JUDGMENT IN WP(C).NO.19082 OF 2010**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.8903 OF 2015

Dated this the 31st day of March, 2015

JUDGMENT

The above writ petition is filed by the Assistant Professor who was appointed in St.Gregorious College, Kottarakkara. The petitioner was appointed after the selection made by the duly constituted Selection Committee which includes a representative of the Government. Her appointment has been approved by the University concerned. She approached this Court on account of non disbursal of salary with effect from the date of appointment. 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 petitioner is appointed after selection process made by a duly constituted Selection Committee. Petitioner cannot be denied her 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 petitioner's appointment by taking note of the work load and the qualifications of the Assistant Professor, necessarily she is 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 petitioner shall be paid the current month salary onwards.

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 petitioner 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 petitioner 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 petitioner is entitled for approval, the entire arrears shall be paid to her 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 petitioner's appointment has been approved by the University concerned.

The writ petition is disposed of with the above directions.

**A.MUHAMED MUSTAQUE,
Judge.**

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/True copy/

PS to Judge.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
Judge.**

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