

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 17TH DAY OF JUNE 2019 / 27TH JYAISHTA, 1941

WP(C).No.7018 of 2019

PETITIONERS:

- 1 DHANYA.N  
W/O. SUNIL M.P., AGED 37, DHANYA, KARANCHERRY HOUSE,  
MANNAPRA P.O, PALAKKAD DISTRICT, PIN-678 685,  
(WORKING AS ASSISTANT PROFESSOR OF PHYSICS SRI VYASA  
N.S.S. COLLEGE, VADAKKANCHERRY)
- 2 ADDLP2, SUNIL M.P.  
AGED 38 YEARS  
S/O.CHAMUKUTTA PANICKER,  
RAMANIVAS, NEAR PREMIER COLLEGE, KODUMBU P.O,  
PALAKKAD.
- 3 ADDL P3, ABINAV SUNIL.K.,  
MINOR REPRESENTED BY HIS FATHER AND NATURAL GUARDIAN  
SUNIL M.P, RAMNIVAS, NEAR PREMIER COLLEGE,  
KODUMBU P.O, PALAKKAD DISTRICT.
- 4 ADDLP4, K.SWARNA KUMARI,  
DHANYA, KARANCHERRY HOUSE, P.O MANNAPARA,  
PALAKKAD DISTRICT.  
(ADDL PETITIONERS 2 TO 4 IMPEADED AS PER ORDER DATED  
05-04-2019 IN IA 2/2019.

BY ADV. SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY PRINCIPAL SECRETARY,  
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
- 2 DIRECTOR OF COLLEGIATE EDUCATION  
THIRUVANANTHAPURAM-695 001
- 3 DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,  
THRISSUR-680 001

4 THE PRINCIPAL,  
SRI.VYASA N.S.S. COLLEGE, VADAKKANCHERRY,  
THRISSUR-680 582

5 THE SECRETARY  
N.S.S.COLLEGES CENTRAL COMMITTEE OFFICE,  
CHANGANASSERY-686 101.

BY ADVS.  
SRI.P.GOPAL SC ADDL.R5  
SRI.R.MURALEEDHARAN

OTHER PRESENT:

SRI.JESTIN MATHEW ,GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
17.06.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The writ petition was filed by an Assistant Professor who was appointed under the 4<sup>th</sup> respondent w.e.f 1.6.2015, seeking directions to first respondent to pass orders on her applications for leave and for disbursement of salary. She was a cancer patient and she had submitted application for leave for various spells from 1.1.2016 to 19.9.2016 along with medical certificates. During the pendency of the writ petition the Assistant Professor expired and now her legal heirs have got impleaded as additional petitioners.

2. The Additional 5<sup>th</sup> respondent has filed a counter affidavit stating that, the deceased petitioner had availed leave without allowances on medical grounds for the period from 1.6.2015 to 15.1.2016, 16.1.2016 to 29.1.2016, 30.1.2016 to 28.2.2016, 29.2.2016 to 6.3.2016 and special casual leave from 7.3.2016 to 17.4.2016 and all those leave applied for, were sanctioned as per orders issued on various dates in 2016 and on 20.10.2018. It is also also stated that, since Ext.R5(a) application submitted on 26.9.2016 was for a period of 149 days on medical grounds for the period from 18.4.2016 to 11.9.2016, it was forwarded along with no-objection certificate as per Ext.R5(c) letter dated 4.11.2016 to the Deputy Director of Collegiate Education. It is further stated that, the said letter along

with the application, was returned by the Deputy Director of Collegiate Education for want of orders approving appointment of the Assistant Professor. It is stated that the Additional 5<sup>th</sup> respondent has again addressed the Deputy Director of Collegiate Education forwarding the approval order. Thereafter, the Deputy Director of Collegiate Education returned the records on 29.6.2018 stating that, the Manager has not sanctioned leave without allowance for 149 days. It is stated that, the additional 5<sup>th</sup> respondent again addressed the Director of Collegiate Education stating that, no objection certificate was already issued by the management for the application for leave without allowance on medical grounds for a period of 149 days of the deceased Assistant Professor. It is stated that, the additional 5<sup>th</sup> respondent has not received any information thereafter, pursuant to letter Ext.R5(e) dated 10.8.2018 and therefore another letter has been sent on 26.3.2019 also requesting for orders.

3. The learned Government Pleader on instructions submits that, all the necessary records are available with the Government with respect to the application for leave of deceased teacher.

In view of the afore said circumstances, the writ petition is disposed of, directing the 1<sup>st</sup> respondent to consider the applications forwarded by the Additional 5<sup>th</sup> respondent and to pass orders thereon at the earliest taking into account of the fact that, the deceased petitioner was a cancer patient. The Government shall pass orders within a period of one month from the date of receipt of a copy of the judgment. On the basis of the orders thus received, the respondents shall pass consequential orders and to see that the benefits due to the deceased petitioner are disbursed to the additional petitioners without any further delay.

sd/-

**P . V . ASHA**

**JUDGE**

ska

**APPENDIX****PETITIONER'S EXHIBITS:**

EXHIBIT P1 A	TRUE COPY OF THE LEAVE APPLICATION DATED 4.1.2016
EXHIBIT P1 B	TRUE COPY OF THE LEAVE APPLICATION DATED 31.3.2016.
EXHIBIT P1 C	TRUE COPY OF THE LEAVE APPLICATION DATED 30.2.2016
EXHIBIT P1 D	TRUE COPY OF THE LEAVE APPLICATION DATED 31.3.2016
EXHIBIT P1 E	TRUE COPY OF THE LEAVE APPLICATION DATED 31.3.2016
EXHIBIT P2	TRUE COPY OF THE DEATH CERTIFICATE

**RESPONDENT'S EXHIBITS:**

EXHIBIT R5 (A)	TRUE COPY OF THE APPLICATION OF THE PETITIONER DATED 26-09-2016.
EXHIBIT R5 (B)	TRUE COPY OF THE NON OBJECTION CERTIFICATE ISSUED BY THE ADDITIONAL 5TH RESPONDENT DATED 20-10-2016.
EXHIBIT R5 (C)	TRUE COPY OF THE LETTER SENT BY THE PRINCIPAL, SRI VYASA NSS COLLEGE TO THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION DATED 4.11.2016.
EXHIBIT R5 (D)	TRUE COPY OF THE LETTER SENT BY THE PRINCIPAL OF THE COLLEGE DATED 17.3.2018 TO THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, THRISSUR.
EXHIBIT R5 (E)	TRUE COPY OF THE LETTER SENT BY THE PRINCIPAL OF THE COLLEGE DATED 10.8.2018 TO THE DIRECTOR OF COLLEGIATE EDUCATION.
EXHIBIT R5 (F)	TRUE COPY OF THE LETTER NO.G1/2019/895 DATED 26.3.2019 SENT BY THE PRINCIPAL OF THE COLLEGE TO THE DIRECTOR OF COLLEGIATE EDUCATION.