

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 13TH DAY OF AUGUST 2020 / 22ND SRAVANA, 1942

WP(C).No.13868 OF 2020(G)

PETITIONER:

BIJU.M.S.
AGED 43 YEARS
S/O.SREEDHAR.M.K., MAVARAYIL HOUSE,
NEELOOR.P.O., KOTTAYAM-686651
(WORKING AS ASSISTANT PROFESSOR OF MALAYALAM IN
S.N.COLLEGE, KOLLAM) .

BY ADV. SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS:

- 1 THE MANAGER,
S.N. COLLEGE, KOLLAM, PIN-691001.
- 2 THE PRINCIPAL,
S.N. COLLEGE, KOLLAM, PIN-691001.
- 3 THE UNIVERSITY OF KERALA,
REPRESENTED BY REGISTRAR UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM-695001.
- 4 THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY HIGHER
EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 5 THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695001.
- 6 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
CROSS JUNCTION, KADAPPAKKADA, KOLLAM-691001.

BY ADV. SRI.A.N.RAJAN BABU
BY SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

OTHER PRESENT:

SR.GP.SRI.ARAVINDHA KUMAR BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13.08.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

Petitioner, who was appointed as Assistant Professor in Malayalam under the first respondent College on 19.12.2018, is aggrieved by the denial of payment of salary despite approval granted by the University as per Ext.P5 order as early as on 09.12.2019.

2. Learned Government Pleader has furnished instructions received from the Director of Collegiate Education. It is stated that even though the Deputy Director of Education raised objection pointing out that there are excess teachers, on examination the Director of Collegiate Education has found that the total sanctioned strength in Malayalam in S.N. College, Kollam is 11 and at the time of appointment of the petitioner there were only 8 teachers. Therefore the petitioner would be the 9th teacher and

even if petitioner is appointed it could not be over and above the sanctioned posts.

In the above circumstances, there shall be a direction to the 6th respondent to see that the salary is paid to the petitioner as soon as the Principal presents the bill. Petitioner shall be paid the current salary from next month onwards and arrears of salary shall be paid to the petitioner within a period of 'four months' from the date of receipt of a copy of the judgment.

Sd/-
P.V.ASHA, JUDGE

AS

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE APPOINTMENT ORDER DATED 19.12.18 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P2	TRUE COPY OF THE MINUTES OF THE SELECTION COMMITTEE DATED 1ST AND 2ND NOVEMBER 2018.
EXHIBIT P3	TRUE COPY OF THE WORK LOAD FOR MALAYALAM IN S.N.COLLEGE, KOLLAM AS ON 8.11.2018 ISSUED BY THE PRINCIPAL, NARAYANA COLLEGE, KOLLAM.
EXHIBIT P4	TRUE COPY OF THE NUMBER OF TEACHERS IN MALAYALAM WORKING IN S.N.COLLEGE, KOLLAM AS ON 20.12.2018.
EXHIBIT P5	TRUE COPY OF THE APPROVAL ORDER ISSUED BY THE 3RD RESPONDENT DATED 9.12.2019.
EXHIBIT P6	TRUE COPY OF THE UNDERTAKING GIVEN BY THE PETITIONER BEFORE THE 6TH RESPONDENT DATED 20.12.2018.
EXHIBIT P7	TRUE COPY OF THE UNDERTAKING GIVEN BY THE 1ST RESPONDENT BEFORE THE 6TH RESPONDENT DATED NIL.
EXHIBIT P8	TRUE COPY OF THE CERTIFICATE GIVEN BY THE 1ST RESPONDENT BEFORE THE 6TH RESPONDENT DATED 7.1.2020.
EXHIBIT P9	TRUE COPY OF THE LETTER NO.26111/D1/14/HEDN. DATED 30.12.2015 ISSUED BY THE 4TH RESPONDENT.
EXHIBIT P10	TRUE COPY OF THE LETTER NO.D4/12397/12020/DCE DATED 22.5.2020 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P11 TRUE COPY OF THE JUDGMENT IN W.P. (C)
NO.29089/2009 DATED 24.7.2020 PASSED
BY THIS HONOURABLE COURT.

EXHIBIT P12 TRUE COPY OF THE LETTER
NO.DD/3230/2020 DATED 18.6.2020 SENT
BY THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM TO 6TH
RESPONDENT.