

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 2ND DAY OF FEBRUARY 2016/13TH MAGHA, 1937

**W.P.(C).No.32507 of 2015 (K)**  
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PETITIONER(S):-  
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INDUJA P., AGED 28 YEARS,  
ASSISTANT PROFESSOR IN CHEMISTRY,  
SREE NARAYANA COLLEGE, SIVGIRI, VARKALA,  
THIRUVANANTHAPURAM-695141.

BY ADV. SRI.S.VISHNU.

RESPONDENT(S):-  
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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 COLLEGES, SREE NARAYANA TRUST,  
KOLLAM-691001.

6. THE PRINCIPAL,  
SREE NARAYANA COLLEGE, SIVAGIRI, VARKALA,  
THIRUVANANTHAPURAM-695141.

7. THE PRINCIPAL  
SREE NARAYANA COLLEGE, CHENGANNUR, NEDUVARAMCODE,  
ALAPPUZHA-689 122.

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

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ  
R5 TO R7 BY ADV. SRI.A.N.RAJAN BABU  
R8 BY STANDING COUNSEL SRI.PAUL JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
02-02-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER(S)' EXHIBITS:-  
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- EXT.P1:- TRUE COPY OF THE NOTIFICATION DTD 23/2/2012 ISSUED BY THE 5TH RESPONDENT.
- EXT.P2:- TRUE COPY OF THE PROCEEDINGS OF THE MANAGER, S N COLLEGE, KOLLAM VIDE ORDER NO 2 /SNT/2603 DTD 30/9/2012 [RELEVANT PAGES].
- EXT.P3:- TRUE COPY OF THE APPOINTMENT ORDER NO 2/SNT/2771(XVI) DTD 1/10/2012 ISSUED BY THE 5TH RESPONDENT.
- EXT.P4:- TRUE COPY OF THE ORDER NO AC.F/III/1/5933/2013 DTD 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 DTD 26/3/2015 IN WPC NO 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.17530/2014 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 ORDER NO.26111/D1/14/H.EDN. DATED 30.12.2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P10:- TRUE COPY OF THE COMMUNICATION NO.D.4/26379/2015/ COLLEGIATE EDUCATION DATED 19.11.2015 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT.
- EXT.P11:- TRUE COPY OF THE ORDER NO.D.4/16073/2015/COLLEGIATE EDUCATION DATED 31.12.2015 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-  
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NIL.

Vku/-

[ true copy ]

K. Vinod Chandran, J

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W.P.(C).No.32507 of 2015-K  
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Dated this the 02<sup>nd</sup> day of February, 2016

**JUDGMENT**

The petitioner, an Assistant Professor in Chemistry, was aggrieved with the approval to be issued by the State having not been granted, which resulted in the petitioner being denied of the salary also.

2. The petitioner was appointed as per Exhibit P3 appointment order dated 01.10.2012. After the appointment by Exhibit P3, the University granted sanction by Exhibit P4 dated 01.09.2015. The approval was not granted by the 4<sup>th</sup> respondent only since there was a doubt as to whether there were sufficient working hours.

3. When the writ petition was pending, the 2<sup>nd</sup> respondent has issued an order, produced at Exhibit P11, wherein it was found that the 7<sup>th</sup> respondent-College had an eligibility for 8 posts in the Chemistry Department, for reason of existence of 126 hours of work. The counter affidavit also admits that the approval can be sanctioned as indicated in Exhibit P11

order. If that be so, the petitioner's appointment has to be approved and arrears of salary paid.

4. In the above circumstances, the 7<sup>th</sup> respondent shall immediately forward the papers to the 4<sup>th</sup> respondent and the 4<sup>th</sup> respondent shall consider the same and pass orders, at any rate, within a period of three months and the arrears of salary be paid and the current salary is commenced within a period of one month from the date of the said order.

The writ petition is allowed. No costs.

**Sd/-**  
K.Vinod Chandran  
Judge.

vku/-

[ true copy ]