



2025:KER:30156

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 14170 OF 2025

PETITIONER:

**SREELAKSHMI.P.S
AGED 30 YEARS
W/O AJITH.K.A, UPSA, S.M.U.P SCHOOL,
ERINGAPURAM
RESIDING AT KAVEETIL HOUSE,
CHOWALLUR WEST, KANDANASSERY.P.O
THRISSUR DISTRICT, PIN - 680102**

**BY ADVS.
T.T.MUHAMOOD
A.RENJIT
GOKUL R.NAIR
ANSALAM N.X.
VENUGOPAL C.**

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001**
- 2 THE DIRECTOR OF GENERAL EDUCATION
DIRECTORATE OF GENERAL EDUCATION,
JAGATHY, THIRUVANANTHAPURAM,
PIN - 695014**



2025:KER:30156

WP(C) NO.14170 of 2025

2

- 3 THE DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICE,
CHAVAKKAD, THRISSUR DISTRICT,
PIN - 680506
- 4 THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICE,
KUNNAMKULAM, THRISSUR DISTRICT,
PIN - 680503
- 5 THE HEADMASTER
S.M.U.P SCHOOL, ERINGAPURAM
THRISSUR DISTRICT, PIN - 680103

SRI.V. VENUGOPAL, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



2025:KER:30156

WP(C) NO.14170 of 2025

3

JUDGMENT

Dated this the 7th day of April, 2025

The petitioner was appointed as UPST on 19.07.2021 against an additional division vacancy occurred during the academic year 2019- 2020.

2. The 4th respondent as per Ext.P3 order rejected the proposal stating that the appointment made against additional division vacancy upto 06.02.2021 alone can be approved. Government of Kerala as per Ext.P5 ordered that the appointments made against additional division vacancies of the academic year 2016-2017 to 2019-2020 can be approved subject to the production of undertaking from the Manager to the effect that he will make appointment from the list of Protected Teachers.



2025:KER:30156

WP(C) NO.14170 of 2025

4

3. Thereafter, the Government issued Ext.P6, wherein the Government clarified that even if an appointment is made after 2019-2020 academic year against the additional division vacancy occurred during the academic year 2019-2020, the same can also be approved.

4. The petitioner states that the Manager of the School died on 14.01.2024. However, so far no new Manager has been appointed due to family dispute. Therefore, there is nobody to execute undertaking as provided under Ext.P5. Hence, the appointment of the petitioner is not being approved stating that the Manger has not executed the bond.

5. The petitioner was appointed against an absolute and regular vacancy by an approved Manager. After the death of the Manager, no new Manager has been appointed. The petitioner who is fully qualified and who has been appointed by an approved Manager, shall not be penalized for the reason that there is no approved Manager to issue an



2025:KER:30156

WP(C) NO.14170 of 2025

5

undertaking.

6. This Court in several cases has directed to approve the appointment of the Teachers deeming that the Manager has executed the undertaking even though the Manager refused to execute the bond. Pointing out all these things, the petitioner has filed Ext.P8 Revision Petition before the 1st respondent, which is pending consideration, contends the petitioner.

7. I have heard the learned counsel for the petitioner and the learned Government Pleader representing respondents 1 to 4.

8. The contention of the petitioner is that the Government has clarified in Ext.P6 that the appointments made after closing of 2019-2020 academic year against the additional division vacancies occurred upto 2019-2020 can be approved. Therefore, there is no justification for denying the



2025:KER:30156

WP(C) NO.14170 of 2025

6

approval of appointment of the petitioner.

9. Be that as it may, going through the pleadings, I find that the petitioner has preferred Ext.P8 Revision Petition. This Court in W.A.No.2290/2015 has held that appointments can be approved treating the Managers have executed bonds. The petitioner also seeks for approval on the basis of such deemed bond.

In the circumstances, the writ petition is disposed of directing the 1st respondent to consider Ext.P8 Revision Petition and take appropriate decision thereon within a period of four months, after giving an opportunity of hearing to the petitioner and advertent to the Division Bench judgment of this Court in W.A.No.2290/2015.

Sd/-

N.NAGARESH
JUDGE

hnh



2025:KER:30156

WP(C) NO.14170 of 2025

7

APPENDIX OF WP(C) 14170/2025

PETITIONER'S EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | TRUE COPY OF THE APPOINTMENT ORDER
DATED 19.07.2021 ISSUED BY THE MANAGER
OF THE SCHOOL |
| Exhibit P2 | TRUE COPY OF THE STAFF-FIXATION ORDER
NO. B/52464/2019 DATED 25.07.2019
ISSUED BY THE 4TH RESPONDENT, |
| Exhibit P3 | TRUE COPY OF ORDER NO. B/16723/2021
DATED 17.09.2021 ISSUED BY THE 4TH
RESPONDENT |
| Exhibit P4 | TRUE COPY OF ORDER NO. B1/195464/2021
DATED 28.06.2022 ISSUED BY THE 3RD
RESPONDENT |
| Exhibit P5 | TRUE COPY OF GO(P) NO. 4/2021/G.EDN
DATED 06.02.2021 |
| Exhibit P6 | TRUE COPY OF GO(P) NO. 2/2023/G.EDN
DATED 23.01.2023 |
| Exhibit P7 | TRUE COPY OF THE DEATH CERTIFICATE
ISSUED BY THE REGISTRAR OF BIRTH AND
DEATHS, KUNNAMKULAM MUNICIPALITY ON
31.01.2024 |
| Exhibit P8 | TRUE COPY OF THE REVISION PETITION
SUBMITTED BY THE PETITIONER BEFORE THE
1ST RESPONDENT ON 28.12.2024 |