

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.N.RAMACHANDRAN NAIR  
&

THE HONOURABLE MR.JUSTICE. P.S.GOPINATHAN

TUESDAY, THE 17TH DAY OF JULY 2012/26TH ASHADHA 1934

WA.No. 1305 of 2012 () IN WPC/19429/2011  
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AGAINST THE JUDGMENT IN WPC.19429/2011 DATED 18-07-2011

APPELLANTS/PETITIONERS 1,2,5&4:  
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1. SREEKANTH S.K.  
SRINIVAS HOUSE, ALLAPRA P.O., PERUMBAVOOR.
2. THOMAS.N. ISSAC  
MEERAMPUZHA HOUSE, KALIYAR P.O., THODUPUZHA.
3. RAJESH.P.R.  
PUTHENPURAKKAL, KARATTU PALLIKKARA, PERUMBAVOOR.
4. SADIQUE K.A.  
KIZHAKKEVEETIL HOUSE, EDAVANGAD P.O., ERNAKULAM.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS/RESPONDENTS:  
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1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
GENERAL EDUCATION DEPARTMENT  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,  
THIRUVANANTHAPURAM-695 014.
3. THE DEPUTY DIRECTOR OF EDUCATION,  
ERNAKULAM-682 030.
4. THE KERALA PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECREARY, PATTOM  
THIRUVANANTHAPURAM-695 004.

R1 TO R3 BY G.P. SRI.LIJU STEPHEN  
R4 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-07-2012,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

ANNEXURE-A: COPY OF GOVERNMENT ORDER G.O.(P) 199/11//G.EDN.  
DT.1/10/2011.

ANNEXURE -B: COPY OF GOVERNMENT ORDER, G.O.(Rt) 3838/11/G.EDN  
DT.6.9.2011.

ANNEXURE-C: COPY OF LIST OF GOVERNMENT HIGH SCHOOLS, GOVT. U.P. SCHOOLS  
AND AIDED HIGH SCHOOLS IN ERNAKULAM DIST. WHERE THERE IS NO PHYSICAL  
EDUCATION TEACHER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, &  
P.S.GOPINATHAN, JJ.

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Writ Appeal No.1305 of 2012  
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Dated this the 17<sup>th</sup> day of July, 2012.

JUDGMENT

Ramachandran Nair, J.

Appellants are in the rank list of candidates selected by PSC for appointment of Physical Education Teachers in Government High Schools. The Single Judge disposed of the W.P.(C) directing the Government to take decision on appointment of the appellants from the select list. It is against this judgment the Writ Appeal is filed by the appellants. We have heard counsel for the appellants and Government Pleader who took notice at admission stage and argued the matter.

2. A Division Bench of this court in Writ Appeal No.2679/2009 expressed the need to have Physical Education Teachers in schools, copy of which is produced by the appellants as Ext.P7 in the W.P.(C). It was observed by this court that the same Physical Education Teacher could be appointed to handle more than one school so that he functions as a full time teacher serving in different schools. Obviously it is all the more easy if the teacher is posted in Government schools located in

nearby areas. Government also appears to have accepted the judgment by issuing G.O.(P) No.199/2011/G.Edn. dated 1.10.2011, copy of which is produced as Annexure-A. Keeping in view of the decision of the Government to implement Division Bench judgment, we direct the respondents to identify schools which do not have Physical Education Teachers, assess workload in each school and then estimate the teacher strength required for appointment of Physical Education Teachers in such of the schools where there is a need and appoint the required number of teachers from the rank list assigning them the schools and intimate the D.E.O. to allocate the work and fix the schedules for engagement of teachers appointed. There will be direction to the respondents to identify the required vacancies and to make appointments from the rank list within a period of three months from date of receipt of copy of this judgment.

C.N.RAMACHANDRAN NAIR  
Judge

P.S.GOPINATHAN  
Judge

pms