

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1301 OF 2023

AGAINST THE JUDGMENT DATED 23.2.2023 IN W.P(C) .NO.290/2020 OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 5 & ADDL. RESPONDENT 7 IN W.P.(C) :

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF GENERAL
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THYCAUD, THIRUVANANTHAPURAM, PIN - 695014
- 3 THE DISTRICT EDUCATION OFFICER,
THAVAKKARA, KANNUR, PIN - 670002
- 4 THE DEPUTY DIRECTOR OF EDUCATION,
SUB REGISTRAR OFFICE ROAD, KANNUR, PIN - 670002
- 5 THE SUPER CHECK OFFICER,
SUPER CHECK CELL, CIVIL STATION, (B BLOCK 6TH FLOOR) ,
KOZHIKODE, PIN - 673020
- 6 THE ASSISTANT EXECUTIVE ENGINEER,
LSGD SECTION, EDAKKAD BLOCK PANCHAYATH, CHALA P.O.,
KANNUR.

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENTS/PETITIONER & 6TH RESPONDENT IN W.P.(C) :

- 1 P. MURALIDHARAN,
AGED 44 YEARS

MANAGER, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,
KANNUR DISTRICT, PIN - 670663

2 DINESAN MADATHIL,
ADDITIONAL PRIVATE SECRETARY TO MINISTER OF GENERAL
EDUCATION, GOVERNMENT OF KERALA, ANNEX BUILDING,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1351/2023 AND CONNECTED CASES,
THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1351 OF 2023

AGAINST THE JUDGMENT DATED 23.02.2023 IN WP(C).NO.10664/2019 OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 3 IN WP(C) :

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, JAGATHY,
THYCAUD, THIRUVANANTHAPURAM DISTRICT - 695014
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
SUB REGISTRAR OFFICE ROAD,KANNUR, PIN - 670002

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B. , GOVT. PLEADER

RESPONDENTS/PETITIONER & 4TH RESPONDENT & ADDITIONAL RESPONDENTS
5 TO 18 IN W.P. (C) :

- 1 P.MURALIDHARAN,
AGED 43 YEARS
MANAGER, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,
KANNUR DISTRICT - 670663

- 2 SRI.DINESAN MADATHIL,
ADDITIONAL PRIVATE SECRETARY TO MINISTER FOR GENERAL
EDUCATION, GOVERNMENT OF KERALA, ANNEX BUILDING,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 3 RENILKUMAR P.,
DWANI, MANDOOOL, KADAMBUR, EDAKKAD P.O.,
KANNUR - 670663
- 4 PRADEEPAN P.,
PRANAVAM, MOKERI P.O., VIA PANOOR, KANNUR - 670692
- 5 RAJEEVAN P.,
CHANDROTH HOUSE, SANKARANELLUR P.O., KANNUR,
PIN - 670643
- 6 MURALEEKRISHNAN P.E.,
'HARIPURAM', KAYARALAM P.O., VIA MAYYIL, KANNUR,
PIN - 670602
- 7 MANOJKUMAR P.E.,
NORTH MANAKKAT, KARIVELLUR P.O., KANNUR, PIN - 670521
- 8 BEENA C.H.,
'THIRUVATHIRA', MELE CHOVVA P.O., KANNUR, PIN - 670006
- 9 SITHARA T.V.,
THUSHARA, P.O.MAKRERI, KANNUR, PIN - 670622
- 10 LEENA.P.,
'SADGAMAYA', KAKKAYANGAD P.O., KANNUR, PIN - 670673
- 11 JIJEESH PUTHUKKUDI,
SREENIDHI, MUDIYANGA.P.O., KANNUR, PIN - 670691
- 12 JAISON K.T.,
KADDOKUNNEL HOUSE, KADACHIRA P.O., KANNUR DISTRICT,
PIN - 670621

- 13 PREMARAJAN.K. ,
 KOODAPRAM, CHITTADI.P.O. , VIA ALAKODE, KANNUR,
 PIN - 670571
- 14 PREMARAJAN K,
 MUTHUVAD HOUSE, ALACHERY P.O. , KANNUR, PIN - 670650
- 15 MAHESH KUMAR.M. ,
 DEVA VIHAR, PINARAYI.P.O, KANNUR, PIN - 670741
- 16 MEENA.K. ,
 VRINDAVANAM, MULLAKKODI, MULLAKODI.P.O. ,
 KANNUR - 670602

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED CASES,
THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1354 OF 2023

AGAINST THE JUDGMENT DATED 23.02.2023 IN WP(C) .NO.40849/2022 OF
HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 THE DIRECTOR OF GENERAL EDUCATION,
OFFICE OF THE DIRECTOR OF GENERAL EDUCATION, JAGATHY,
THYCAUD, THIRUVANANTHAPURAM DISTRICT - 695014
- 2 THE DEPUTY DIRECTOR OF EDUCATION,
SUB REGISTRAR OFFICE ROAD, KANNUR, PIN - 670002
- 3 THE DISTRICT EDUCATION OFFICER,
THAVAKKARA, KANNUR, PIN - 670002

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENTS/PETITIONERS IN W.P.(C) :

- 1 THE MANAGER,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,
KANNUR DISTRICT - 670663, RESIDING AT MURALI NIVAS,
KADAMBUR P.O., KANNUR DISTRICT, PIN - 670663
- 2 BINDU. P.K,
AGED 42 YEARS

D/O. BALAGOPALAN.T.P, UPST, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT MANDHARM, PALLIPPOYIL, P.O. MOWENCHERY, KANNUR, PIN - 670613

- 3 SAYONA. S,
AGED 36 YEARS
D/O.SOMANATHAN. T, UPST, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT SAYONA VIHAR, PANNIYANNUR. P.O, THALASSERY, KANNUR, PIN - 670671
- 4 SABITHA. K.A,
AGED 42 YEARS
D/O.APPUKUTTAN. K, UPST, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT NAGATH, MUYIPPOTH. P.O, MEPPAYUR VIA, KOZHIKODE - 673524
- 5 NIJILA P.V,
AGED 37 YEARS
D/O. DAMODARAN. M.K, UPST, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT MANJULALAYAM, ELAMPARA, P.O, KANNUR, PIN - 670595
- 6 SHAHINA K.T,
AGED 38 YEARS
D/O. V.T. AHAMMED, UPST, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT SHABANAS, OPP. G.B.C, DHARMADAM.P.O, KANNUR, PIN - 670106
- 7 SIJI P.R,
AGED 43 YEARS
D/O. C.A. PAVEENDRAN, UPST, KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT SREEPURAM, PUNNAD, IRITTY, KANNUR, PIN - 670703
- 8 SHEEBA. D,
AGED 41 YEARS
D/O.DAMODARAN C, UPST, KADAMBUR HIGHER SECONDARY

SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
SREYAS, VALATT THAZHE KUNIYIL, NIDUMBRAM,
P.O.CHOKLI, KANNUR, PIN - 670672

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED CASES,
THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1356 OF 2023

AGAINST THE JUDGMENT DATED 23.2.2023 IN WP(C).NO.40953/2022 OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 THE DIRECTOR OF GENERAL EDUCATION,
OFFICE OF THE DIRECTOR OF GENERAL EDUCATION, JAGATHY,
THYCAUD, THIRUVANANTHAPURAM DISTRICT, PIN - 695014
- 2 THE DEPUTY DIRECTOR OF EDUCATION,
SUB REGISTRAR OFFICE ROAD, KANNUR, PIN - 670002
- 3 THE DISTRICT EDUCATIONAL OFFICER,
THAVAKKARA, KANNUR - 670002

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENTS/PETITIONERS IN W.P.(C) :

- 1 THE MANAGER,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT. RESIDING AT MURALI NIVAS, KADAMBUR P.O.,
KANNUR DISTRICT, PIN - 670663
- 2 JIMNA. K.P.,
AGED 33 YEARS, D/O. VIJAYAN. C., HST HINDI, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,

RESIDING AT JIMNA NIVAS, CHEMBILODE METTA, P.O.
MOWENCHERY, KANNUR, PIN - 670613

- 3 SREEDIVYA. K. V,
AGED 44 YEARS, D/O.SREENIVASAN. K.V., HST ENGLISH,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT, RESIDING AT SREEMANDIRAM, PALLIKUNNU,
KANNUR, PIN - 670004
- 4 VINI. V. C.,
AGED 38 YEARS
D/O.CHITHRABHANU. V, HST ENGLISH, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT ARDRAM, KANHILERI, P.O, MATTANNUR,
KANNUR, PIN - 670702
- 5 HARIKRISHNAN. M.,
AGED 33 YEARS
S/O.HARI MANIPUZHA, HST SANSKRIT, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT MANIPUZHA ILLAM, KANKOL. P.O., PAYYANNUR, KANNUR,
PIN - 670307
- 6 ASWATHI. K.,
AGED 33 YEARS
D/O.K.KRISHNAN., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT KAILAS,
PALLIKULAM, P.O. CHIRAKKAL, KANNUR, PIN - 670011
- 7 ALKA CYRIAC. M.,
AGED 42 YEARS
D/O. M.U.CYRIAC, UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
THALIKUZHIIYIL HOUSE, KAPPAD P.O., KANNUR, PIN - 670006
- 8 HONEY. T.H.,
AGED 34 YEARS
D/O.HARIDASAN. T.H., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
THINDANCHERI HOUSE, PUTHOOR. P.O., VATAKARA,

KOZHIKODE, PIN - 673104

- 9 SEENA. K.K.,
AGED 35 YEARS
D/O.NARAYANAN P.P., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT SEENA
NIVAS, NELLUNNI, MATTANNUR.P.O., KANNUR, PIN - 670702
- 10 ROSHITHA. K.V.,
AGED 34 YEARS
D/O. K. VIJAYAN, UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT ANJALI,
PARAL, KUTHUPARAMBA. P.O., KANNUR, PIN - 670643
- 11 REESHA KIZHAKKEVEETIL,
AGED 32 YEARS
D/O. K.P. MOHANDAS, UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
KUNHIPARAMBATH HOUSE, KADIRUR.P.O, KANNUR - 670642
- 12 ANUSREE UNNIKRIISHNAN,
AGED 30 YEARS
D/O.P.UNNIKRIISHNAN,UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
SREENAV, P.O. KANAYI, MATTANNUR, KANNUR, PIN - 670702
- 13 ANUSREE. V.,
AGED 31 YEARS
D/O.VIJAYAN. K.V., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT JYOTHIS
HOUSE, PARAL P.O., KANNUR, PIN - 670671
- 14 RANGISHA. P.P.,
AGED 34 YEARS
D/O. RAJAN. P., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
VYSHANAVAM, CHANDROTH, KOTTAYM, ERUVATTY,
KOTTAYAMPOYIL. P.O KANNUR, PIN - 670691
- 15 RAJISHA. K.,

- AGED 31 YEARS
D/O.P.V. JAYAKUMAR, LG HINDI, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT RITHEESH NIVAS, MUNDALUR. P.O.,
PERALASSERY, KANNUR, PIN - 670622
- 16 HIMA G. NATH.,
AGED 35 YEARS, D/O. HAREENDRANATH. P.V., HST (SS),
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT, RESIDING AT KRISHNA VIHAR, P.O. CHAMPAD,
THALASSERY, KANNUR, PIN - 670694
- 17 SHEEBA. K.,
AGED 43 YEARS
D/O.KARUNAKARAN. E., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
EDAKKEPRATH HOUSE, KACHERIPPARA, P.O. AZHIKKODE,
KANNUR, PIN - 670009
- 18 JASNA JANARDHANAN P.P.,
AGED 39 YEARS
D/O.JANARDHANAN.P.P UPST, KADAMBUR HIGHER SECONDARY
SCHOOL,KADAMBUR, KANNUR DISTRICT, RESIDING AT
THRIJYOTHI, UDUMBUNTHALA. P.O., KASARGOD - 671311
- 19 AMANYABABY. P.V.,
AGED 39 YEARS
D/O.ARAVINDAN, UPST, KADAMBUR HIGHER SECONDARY SCHOOL,
KADAMBUR, KANNUR DISTRICT, RESIDING AT ARAVINDAM,
MANDUR. P.O., KANNUR, PIN - 670501
- 20 BIJEESHA. K.N.,
AGED 47 YEARS
D/O. K. NANU, UPST, KADAMBUR HIGHER SECONDARY SCHOOL,
KADAMBUR, KANNUR DISTRICT, RESIDING AT SOUPARNIKA,
P.O. PANDAKKAL, MAHE, KANNUR DISTRICT, PIN - 673310
- 21 BINOOP SEKHAR. C.V.,
AGED 41 YEARS
S/O.P. CHANDRASEKARAN, MUSIC TEACHER, KADAMBUR HIGHER

SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT DEVI PRABHA, DEENADHAYAL ROAD, CHIRAKKAL P.O.,
KANNUR-670011

- 22 DILSHA.N.K.,
AGED 33 YEARS
D/O.N.K.SADANANDAN, UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT KARAYI
HOUSE, P.O. THIRUVANGAD, THALASSERY, KANNUR DISTRICT.,
PIN - 670103
- 23 VIDYA. K.K.,
AGED 37 YEARS
D/O. T.K. GOVINDAN, LG HINDI, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT DWIVED BHAVAN, NAYATTUPARA, PATTANUR
.P.O., KANNUR-, PIN - 670595
- 24 SUHANA. K.R.,
AGED 46 YEARS
D/O. K.R. SREEDHARAN, UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT PANAYIL
HOUSE, VAYIPARAMBA, CHAL, AZHIKODE, KANNUR DISTRICT,
PIN - 670009
- 25 REENA. K.,
AGED 46 YEARS
D/O. C.H. ONAKKAN, UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT SHARU
NIVAS, KAMALPEEDIKA, P.O. EACHUR, KANNUR - 670591
- 26 JEEJITH. T.K.,
AGED 40 YEARS
S/O.KANARAN. T.K., UPST, KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
THONDIKOVUKKAL HOUSE, CHEMMARATHUR P.O.,
VATAKARA - 673104
- 27 DHAJINA. C.K.,
AGED 37 YEARS, D/O.GOPALAKRISHNAN. C.K., UPST,

KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,
KANNUR DISTRICT, RESIDING AT C.K. HOUSE,
PARAL. P.O., THALASSERY - 670671

- 28 VIPIN. M.,
AGED 36 YEARS, S/O.PURUSHOTHAMAN. M., UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT MAVALLY HOUSE, VENGAD. P.O.KANNUR,
PIN - 670612
- 29 RAJINA. C.P.,
AGED 42 YEARS, D/O. M.R. DAMODARAN., UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT VIMALA NIVAS, TALAP, KANNUR, PIN - 670002
- 30 RAJESH KUMAR. M.,
AGED 40 YEARS, S/O. V.P. DAMODARAN NAMBIAR, UPST,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT, RESIDING AT MANIYERI HOUSE, CHENNAKKODE,
KATTIPPOIL. P.O., NILESWARAM-KASARGOD DISTRICT.,
PIN - 671314
- 31 SNIJA. V. P.,
AGED 41 YEARS, HST (SS), KADAMBUR HIGHER SECONDARY
SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING AT
DEEPTHI, PACHAPOIKA. P.O., KUTHUPARAMBA, KANNUR-670643

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED
CASES, THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1357 OF 2023

AGAINST THE JUDGMENT DATED 23.02.2023 IN WP(C).NO.28179/2022 OF
HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 DIRECTOR OF GENERAL EDUCATION
OFFICE OF THE DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THYCAUD, THIRUVANANTHAPURAM DISTRICT-695014.
- 2 THE DISTRICT EDUCATIONAL OFFICER
THAVAKKARA, KANNUR - 670002
- 3 THE DEPUTY DIRECTOR OF EDUCATION
SUB REGISTRAR OFFICE ROAD, KANNUR - 670002

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENT/PETITIONER IN W.P. (C) :

THE MANAGER
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,
KANNUR DISTRICT, PIN - 670663

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE

W.A.NO.1301/2023
& CON. CASES

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BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED
CASES, THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1358 OF 2023

AGAINST THE JUDGMENT DATED 23.2.2023 IN WP(C).NO.12046/2021 OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF
GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE DIRECTOR OF GENERAL EDUCATION,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THYCAUD, THIRUVANANTHAPURAM - 695014
- 3 THE DEPUTY DIRECTOR OF EDUCATION
SUB REGISTRAR OFFICE ROAD, KANNUR-670002.
- 4 THE DISTRICT EDUCATIONAL OFFICER
THAVAKKARA, KANNUR-670 002., PIN - 670002

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENT/PETITIONER IN W.P.(C) :

P.MURALIDHARAN
AGED 52 YEARS
MANAGER, KADAMBUR HIGHER SECONDARY SCHOOL,

W.A.NO.1301/2023
& CON. CASES

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KADAMBUR, KANNUR - 670663

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED CASES,
THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1360 OF 2023

AGAINST THE JUDGMENT DATED 23.02.2023 IN WP(C).NO.40889/2022 OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 THE DIRECTOR OF GENERAL EDUCATION,
OFFICE OF THE DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THYCAUD, THIRUVANANTHAPURAM DISTRICT-695 014.
- 2 THE DEPUTY DIRECTOR OF EDUCATION,
SUB REGISTRAR OFFICE ROAD, KANNUR-670002
- 3 THE DISTRICT EDUCATIONAL OFFICER,
THAVAKKARA, KANNUR-670002

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENTS/PETITIONERS IN W.P.(C) :

- 1 THE MANAGER
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT-670663, RESIDING AT MURALI NIVAS, KADAMBUR
P.O., KANNUR DISTRICT - 670663
- 2 SINDHU N.K.,
AGED 44 YEARS, D/O.N.BALAKRISHNAN, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,

RESIDING AT SANTHA NILAYAM, ILLAM MUKK, P.O.PORORA,
MARUTHAYI, MATTANNUR, KANNUR, PIN - 670702

- 3 SREESHA T.K.,
AGED 35 YEARS, D/O. SREEDHARAN P.V., UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT SREENILAYAM, KUTTAMATH, CHERUVATHUR P.O.,
KASARAGOD - 671313
- 4 AJAYAKRISHNAN P.M.,
AGED 29 YEARS, S/O.A.NARAYANAN, UPST, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT SARAYU, KUTTIYERI P.O., KARIMBAM, KANNUR-670142
- 5 SREEJA R.K.,
AGED 44 YEARS, D/O. M.C. KARUNAKARAN NAMBIAR, UPST,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT, RESIDING AT RAMAPURAM HOUSE, VAYANTHODE,
MATTANNUR, KANNUR, PIN - 670702
- 6 SHYAM LOHITH P.V.,
AGED 31 YEARS, S/O. B. LOHITHAKSHAN, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT MEENAKSHI VIHAR, PANNERI, P.O. MORAZHA,
KANNUR, PIN - 670331
- 7 REKHA. A.,
AGED 41 YEARS, D/O. P.V. MADHAVAN NAIR, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT PUTHALATH, OLD ESI ROAD, CHONADAM,
ERANHOLI P.O., THALASSERI, PIN - 670107
- 8 ANJITHA N.,
AGED 29 YEARS, D/O. K.V.NARAYANAN, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT KUNNILEVALAPPIL HOUSE, IRITTY. P.O.,
THANTHODE, KANNUR, PIN - 670703
- 9 SUMESH M.K.,
AGED 46 YEARS, S/O. K.V. KUNHIKANNAN, UPST, KADAMBUR

HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT PRAKASHAM, NITHYNANDA NAGAR, HOSDURG,
KANHANGAD, PIN - 671315

- 10 REJINA P.P.,
AGED 33 YEARS, D/O. RATHNAKARAN P.P., UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT PUTHANPURAYIL, P.O. MUNDAYAD, KANNUR,
PIN - 670594
- 11 RAHUL H.R.,
AGED 32 YEARS, S/O. T.K. HAREENDRAN, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT THACHORAKKAL HOUSE, NADAKKUTHAZHA P.O.,
VADAKARA, PIN - 673104
- 12 THUSHARA PRAVEEN,
AGED 38 YEARS, D/O. NAVANEETHA KRISHNAN V.V., UPST,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT, RESIDING AT PRANAVAM, MATHUKKOTH, P.O.
VARAM, KANNUR, PIN - 670594
- 13 DHANIYA M.V.,
AGED 43 YEARS, D/O. M.I.VAMANAN NAMBOOTHIRI, UPST,
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT, RESIDING AT VARADA, PAZHASSI, URUVACHAL.
P.O, MATTANNUR, KANNUR, PIN - 670702
- 14 RESHMA K.V.,
AGED 37 YEARS, D/O. K.P.MOHANDAS, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT KAITHALA HOUSE, MAVILACHAL, P.O. EACHUR,
KANNUR, PIN - 670591
- 15 SREELIMA S,
AGED 40 YEARS, D/O. SREEDHARAN, UPST, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT SREEPADAM, VELLIKULANGARA, P.O. ORKATTERI,
VATAKARA, KOZHIKODE., PIN - 673101

- 16 NITHYAMOL,
AGED 34 YEARS, D/O. NARAYANAN P.K., UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT NADAKKALKUNIYIL, CHOLAM VAYAL, NUT STREET,
VATAKARA, KOZHIKODE., PIN - 673101
- 17 BINDU A,
AGED 47 YEARS, D/O. BALAN A., UPST, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT LALITHAM, KOTTAYAMPOYIL P.O., PATHAYAKUNNU,
THALASSERY, PIN - 670691
- 18 SURADI P,
AGED 40 YEARS, D/O. BALAN O., UPST, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT SURADI, UMMENCHIRA, THALASSERY, PIN - 670649
- 19 DILNA K,
AGED 35 YEARS, D/O.DASAN V, LG HINDI, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT DIL, MELATHARAMMAL, UMMENCHIRA P.O., THALASSERY,
PIN - 670649
- 20 DILNA C.K.,
AGED 37 YEARS, D/O.CHANDRAN P.V., LG HINDI, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT MAROLI HOUSE, P.O. PARAPRAM, PINARAYI,
KANNUR, PIN - 670741
- 21 NIBHA P,
AGED 41 YEARS, D/O.BHASKARAN P, UPST, KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT, RESIDING
AT MILAN, P.O. SANKARANELLUR, KANNUR, PIN - 670643
- 22 SAJI P.M,
AGED 42 YEARS, D/O.JANARDHANAN A, UPST, KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
RESIDING AT AISWARYA HOUSE, KOLAYAD P.O, KANNUR,
PIN - 670650

- 23 ALISHA C,
 AGED 36 YEARS, D/O. PAVITHRAN C, UPST, KADAMBUR
 HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
 RESIDING AT SHYAM NIVAS, P.O. CHOVVA, KANNUR,
 PIN - 670006
- 24 HRUDHYA C.P,
 AGED 36 YEARS, D/O. SURENDRAN M, UPST, KADAMBUR
 HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
 RESIDING AT JANANI, CHOYYADAM, PONNIAM WEST P.O.,
 KADIRUR, KANNUR, PIN - 670621
- 25 ASWATHI C.K,
 AGED 31 YEARS, D/O. DEVARAJAN M.N, UPST, KADAMBUR
 HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT,
 RESIDING AT KUNIMMAL HOUSE, P.O. KOYYODE, KANNUR, PIN
 - 670621
- 26 SUDHEESH C.K,
 AGED 42 YEARS, S/O. M.K. DIVAKARAN ADIYODI, UPST,
 KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
 DISTRICT, RESIDING AT KOLAPPALA HOUSE, NARATH P.O,
 KOLACHERY, KANNUR - 670601

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED
CASES, THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 9TH DAY OF AUGUST 2023/18TH SRAVANA, 1945

W.A.NO.1361 OF 2023

AGAINST THE JUDGMENT DATED 23.2.2023 IN WP(C).NO.40219/2022 OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 DIRECTOR OF GENERAL EDUCATION
OFFICE OF THE DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THYCAUD, THIRUVANANTHAPURAM- 695014
- 2 THE DEPUTY DIRECTOR OF EDUCATION,
SUB REGISTRAR OFFICE ROAD, KANNUR - 670002.
- 3 THE DISTRICT EDUCATIONAL OFFICER,
THAVAKKARA, KANNUR - 670 002.

BY SRI.A.J. VARGHESE, SR. GOVERNMENT PLEADER
BY SMT.VINITHA B., GOVT. PLEADER

RESPONDENTS/PETITIONERS IN W.P. (C) :

- 1 THE MANAGER
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,
KANNUR DISTRICT - 670663, RESIDING AT MURALI NIVAS,
KADAMBUR P.O, KANNUR DISTRICT - 670663
- 2 ANUPRIYA V.P.,
AGED 33 YEARS, D/O.LAKSHMANAN.K, HST(PS), KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT -

670663., RESIDING AT PUNATHIL VEEDU, KOLAYAD P.O.,
KANNUR DISTRICT - 670650.

- 3 RANJINI. B,
AGED 37 YEARS, D/O.B.I. RAMAN NAMBOOTHIRIPAD,
HST (MALAYALAM), KADAMBUR HIGHER SECONDARY SCHOOL,
KADAMBUR, KANNUR DISTRICT- 670663 RESIDING AT
BANATHOOR ILLAM, P.O. KUTTATH, VIA-MEPPAYUR,
CHERUVANNUR, KOZHIKODE DISTRICT. - 673524
- 4 RINTO. C.F,
AGED 37 YEARS, S/O. FRANCIS. C.V, HST (MALAYALAM),
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR
DISTRICT - 670663. RESIDING AT CHEERAN HOUSE,
CHITTANJOOR, THRISSUR DISTRICT - 680523.
- 5 DIVYA. A.M,
AGED 39 YEARS
D/O. A. NARAYANANKUTTY, HST(SS), KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT - 670663.
RESIDING AT DEEPA NIVAS, GANDHI ROAD P.O. MATTANNUR,
KANNUR DISTRICT., PIN - 670702
- 6 ASHITHA RAMACHANDRAN,
AGED 37 YEARS
D/O. P.V. RAMACHANDRAN, HST(MATHS), KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT - 670663.
RESIDING AT ANIL NIVAS, P.O. PINARAYI, KANNUR
DISTRICT., PIN - 670104
- 7 SHEEBA. O.K,
AGED 42 YEARS
D/O. BALAN. K, HST (ENGLISH), KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT- 670663.
RESIDING AT SUKRITHI, THAVALAPPARA, NEAR SNAKE PARK,
P.O. PARASSINIKKADAVU, KANNUR DISTRICT., PIN - 670563
- 8 PRASEENA. K.P,
AGED 42 YEARS
D/O. K. PRABHAKARAN, HST (MATHS), KADAMBUR HIGHER

SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT - 670663,
RESIDING AT AISWARYA, CHALAKKARA, MAHE, KANNUR
DISTRICT., PIN - 673574

- 9 REKHA. M.V,
 AGED 42 YEARS
 D/O. BALAKRISHNAN. V.P, HST (MALAYALAM), KADAMBUR
 HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT-
 670663. RESIDING AT KOMALLY HOUSE, P.O. MEMUNDA VIA
 VADAKARA, KOZHIKODE DISTRICT., PIN - 673101
- 10 RAJANI. R.P,
 AGED 43 YEARS
 D/O. SANKARAN. R.P, HST (MALAYALAM), KADAMBUR HIGHER
 SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT - 670663.
 RESIDING AT RAYAROTH POYIL PERAMBRA, KOZHIKODE
 DISTRICT., PIN - 673525
- 11 SUBILA. K .
 AGED 35 YEARS
 D/O. K.P. GOPALAN, HST(PS), KADAMBUR HIGHER SECONDARY
 SCHOOL, KADAMBUR, KANNUR DISTRICT - 670663. RESIDING
 AT AMRITHA, P.O. KANNADIPARAMBA, KANNUR DISTRICT.,
 PIN - 670604
- 12 SAPNA. E,
 AGED 48 YEARS
 D/O. K. BHASKARAN, HST (NS), KADAMBUR HIGHER SECONDARY
 SCHOOL, KADAMBUR, KANNUR DISTRICT-670663. RESIDING AT
 SAPNA, P.O. KOORARA, VIA. CHAMPAD, KANNUR DISTRICT.,
 PIN - 670694
- 13 SUNITHA RAMAKRISHNAN,
 AGED 45 YEARS
 D/O.T.RAMAKRISHNAN, HST(PS), KADAMBUR HIGHER
 SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT-670663.
 RESIDING AT JAYARAM NIVAS, PUZHATHI, P.O. CHIRAKKAL,
 KANNUR DISTRICT - 670008
- 14 RAJEESH P.K. ,

AGED 40 YEARS

S/O. RAMAKRISHNAN. K.K, HST (HINDI), KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT-670663.
RESIDING AT ADUTHILA, P.O. PAZHAYANGADI, KANNUR
DISTRICT - 670303

- 15 RINYA K.P.,
AGED 36 YEARS
D/O. M. RAVINDRAN, HST (MATHS), KADAMBUR HIGHER
SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT - 670663,
RESIDING AT RINYA, MOWENCHERY P.O., KANNUR DISTRICT.,
PIN - 670613
- 16 JAYA K.T.P,
AGED 41 YEARS
D/O. K.T.P RAMAN NAMBOOTHIRI, HST (MATHS), KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT
670 663. RESIDING MANGALLYA, KALLUR, MATTANNUR,
KANNUR DISTRICT - 670702
- 17 K.K.LATHA,
AGED 34 YEARS
D/O. R.K. BALAKRISHNAN, HST (MATHS), KADAMBUR
HIGHER SECONDARY SCHOOL KADAMBUR, KANNUR DISTRICT-
670663 RESIDING AT EDVATH HOUSE, ADOOR, KADACHIRS
P.O., KANNUR - 670 621.
- 18 NIMNA.V.,
AGED 38 YEARS
D/O. NARAYANAN.A.P., HST (MALAYALAM,) KADAMBUR
HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT
670 663. RESIDING AT VIMALALAYAM, P.O., CHALA,
KANNUR DISTRICT - 670006

BY ADV.SRI.GEORGE POONTHOTTAM (SR.)
BY ADV.SMT.NISHA GEORGE
BY ADV.SRI.P.C.SASIDHARAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
03.08.2023 ALONG WITH W.A.NO.1301/2023 AND CONNECTED
CASES, THE COURT ON 09.08.2023 DELIVERED THE FOLLOWING:

J U D G M E N T

Dr. A.K. Jayasankaran Nambiar, J.

The State is the appellant in these Writ Appeals that impugn a common judgment of a learned Single Judge in eight writ petitions. The brief facts necessary for disposal of these Writ Appeals are as follows:

2. The Kadambur High School commenced its academic activity as a Lower Primary School in 1899. It was upgraded as an Upper Primary School with effect from 1.6.1958, as a High School with effect from 29.5.1982, and as a Higher Secondary School with effect from 2000. The issue involved in these writ petitions stemmed from a complaint that was raised before the educational authorities with regard to the conduct of the Higher Secondary Section of the School in the building that housed the High School Section. While it was the case of the management that the Higher Secondary Section was shifted to a new building during the

academic year 2013-14, the educational authorities under the Kerala Education Rules, pursuant to an inspection done at the School on 12.7.2017 followed by a super check cell inspection on 15.1.2019, alleged that the High School had obtained the benefit of sanction of 26 divisions in excess of what was justified based on the student strength and infrastructural availability in the School during the academic year 2018-19. Accordingly, while in the staff fixation for the High School for 2018-19, 154 divisions were sanctioned, pursuant to the inspection by the super check cell and an adjudication that followed, 26 divisions were reduced for the said academic year by Ext.P17 order dated 31.12.2019. By the said order, a further direction was issued by the Director of Public Instructions to revise all the staff fixation orders from 2016-17 onwards in the High School.

3. The essential allegation by the education authorities against the management was that the High School Section had shown greater students strength therein by reckoning the students of the Higher Secondary Section also and had thereby obtained sanction of 26 additional divisions in the High School Section for the academic year 2018-19. Aggrieved by the said order of the

education authorities, the management impugned the same in W.P. (C).No.290/2020. W.P.(C).No.10664/2019 was filed challenging the show cause notice that was issued purporting to take over the management of the School. W.P.(C).No.28179/2022 was filed challenging the staff fixation for 2022-23 where again the eligible divisions were not sanctioned in the High School. W.P. (C).Nos.12046/2021, 40219/2022, 40849/2022, 40889/2022 and 40953/2022 were filed seeking approval of the appointments made of teachers in the High School Section which approvals were denied on account of Ext.P17 order that was impugned in W.P. (C).No.290/2020.

4. During the pendency of the writ petitions, Ext.P25 order was passed by the Regional Deputy Director of Higher Secondary Education permitting the conduct of classes for the Higher Secondary Section in the new building that was constructed by the management and directing the issuance of staff fixation orders for the Higher Secondary Section for the academic years from 2014-15 onwards. Thereafter, by an order dated 18.11.2022, staff fixation orders were passed in the Higher Secondary Sections for the academic years from 2014-15 to 2021-22. Taking note of the

aforesaid development, the learned Single Judge found that the basis for the issuance of Ext.P17 order that was impugned in the lead writ petition [W.P.(C).No.290/2022] had been removed, and hence, the said order had to be quashed. The writ petitions were thereafter allowed with the following directions:

“1) W.P.(C.) No.290/2020 is allowed. Ext.P17 is set aside, and Ext.P2 staff fixation order is restored.

2) W.P.(C)Nos.40219/2022, 40849/2022, 40953/2022 and 40889/2022 are allowed, and the impugned orders in these writ petitions are set aside. There will be a direction to the competent authority among the respondents in these cases to approve the appointment of the teachers in these cases in the light of Ext.P10 in these writ petitions and also in the light of the findings in W.P.(C.) No. 290/2020, if the proposal for approval is otherwise in order, as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of this judgment.

3) W.P.(C.)No.10664/2019 is allowed, and Exts.P1 and P20 are quashed in the light of the findings in W.P.(C)No. 290/2020.

4) W.P.(C)No.12046/2021 is allowed, and Exts.P11, P12, P13 and P14 in this writ petition are quashed. There will be a direction to the competent authority among the 2023:KER:13500 respondents to approve the appointment of the teachers in the light of the observations in this judgment, if the proposal for approval is otherwise in order, as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of this judgment.

5) W.P.(C)No.28179/2022 is allowed. Ext.P18 is set aside and there will be a direction to the competent authority among the respondents to pass fresh staff fixation orders in the light of the findings in W.P. (C) No. 290/2020 as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of this judgment.”

5. When the Writ Appeals came up for admission, we noticed that the approval to the appointment of around 79 teachers in the

School has been held up on account of Ext.P17 order passed by the Director of Public Instructions in connection with the staff fixation for the academic year 2018-19. We also notice that the basic grievance of the State in the appeals is that the merits of their allegation against the management namely, that they had inflated the student strength in the High School Section by including the students of the Higher Secondary Section, was not considered by the learned Single Judge in the impugned judgment. We therefore decided to hear the appeals finally so as to put a quietus to the issue.

6. While considering the arguments in the Writ Appeals, particularly on the issue of whether or not there was a shortage of students or lack of infrastructure noticed in the High School Section during the year, we found that in the staff fixation orders pertaining to the High School from 2013-14 onwards, while the School was found entitled to the sanction of a higher number of divisions, only a lesser number of divisions were actually sanctioned during the said years. The management also does not appear to have impugned those staff fixation orders before the Appellate/Revision authorities under the Kerala Education Act and Rules. We cannot overlook the

possibility that the management did not stake a claim for the additional divisions because the class rooms for the additional divisions were actually used in those years for accommodating students of the Higher Secondary Section of the School. If that be the case, then may be there was no sanction of excess divisions at all in the High School Section as alleged in Ext.P17 order and the students of the Higher Secondary Section found in the High School Section was the reason why lesser number of divisions than what the school was found eligible to were actually sanctioned in the High School Section. This aspect is not seen considered or adverted to in Ext.P17 order. An effective adjudication of the show cause notice issued to the manager pursuant to the inspection by the super check cell would have to consider the above aspect along with the findings of the super check cell to ascertain the real position. We are satisfied therefore that Ext.P17 order was rightly quashed by the learned Single Judge and further that the matter will now have to be examined afresh by the Director of Public Instructions in the light of our observations above.

7. As regards the teachers before us, we feel that inasmuch as it is not in dispute that they were actually teaching in the School

all these years, they would be protected by the *de facto* doctrine when it comes to claiming their salary for the period they were engaged in teaching in the School. Their salary for the future period would however have to await the adjudication that we have directed above. The learned Government Pleader however brings to our notice a Division Bench decision of this Court in **State of Kerala v. Manager, Niduvloor A.U.P. School - [2022 (4) KLT 499]** to contend that there can be no direction issued to the Government to pay salary to teachers whose appointments have not been approved by the Government for the period they actually worked in the School. It is pointed out that the said decision held an earlier Full Bench decision of this Court in **Jolly v. State of Kerala - [(2003) 2 KLT 192 (FB)]** to be *per incuriam* on this issue in the light of the decisions of the Supreme Court in **Government of Andhra Pradesh and Others v. K.Brahmanandam and Others - [2008 (2) KLT OnLine 1134 (SC)]** and **Shesh Mani Shukla v. D.I.O.S. Deoria and Ors. - [(2010) 1 KLT Suppl. 171 (SC)]**.

8. We find ourselves unable to accept the said contention of the learned Government Pleader. It is not in dispute before us that as per the Scheme of the Kerala Education Act & Rules, the right to

make appointments of teachers in an aided School is that of the Manager of the School. The said right is not however absolute in nature and the obligation of the Government to pay salary to a teacher appointed by the Manager arises only when the appointment is duly approved by the Government after finding it to be in conformity with the statutory provisions regulating such appointments. That said, if the Manager of an aided School appoints a teacher, in contravention of the statutory provisions, and the teacher in question discharges his/her duties as a teacher in the School without being prevented by the Government from discharging such duties, the State Government has to be seen as tacitly consenting to such teacher discharging the obligations of the State with regard to imparting education to students in the School albeit without any obligation for the Government to pay salary to the teacher in question. The teacher in question, from whom teaching work has been extracted, has necessarily to be paid salary for the period worked and the only issue that has to be decided is whether it is the State Government or the Manager of the School that must bear the liability. Undoubtedly, in a case where the appointment of the teacher is contrary to the statutory provisions, the liability to pay salary to such teacher would fall on the Manager. However, to

safeguard the right to livelihood of the teacher, traceable to Article 21 of our Constitution, from a possible refusal by the Manager to pay salary to the teacher for the period worked, the State Government must step in as a protector of the fundamental rights of the teacher and make the payment of salary on behalf of the Manager, after reserving to itself the right to recover those payments from the Manager of the School. The said obligation of the State flows from its role as protector of the fundamental right of its citizens and not from its statutory role as a regulator of Educational Institutions in the State. It is in the context of the latter role that the observations of the Division Bench in the judgment relied on by the learned Government Pleader must be understood. Our direction, however, is based on the former role envisaged for the Government. Accordingly, we dispose these Writ Appeals with the following directions:

- (i) The impugned judgment of the learned Single Judge, to the extent it quashes Ext.P17 order, is upheld. The Director of Public Instructions shall consider the matter afresh in the light of the observations of the learned Single Judge in the impugned judgment as also the observations in this judgment, within six months from today after hearing the manager of the School, the petitioner/teachers and others likely to be affected by the orders to

be passed by the DPI.

(ii) The appointment of the petitioner/teachers alone (79 in number) shall be approved forthwith for the limited purpose of enabling them to draw their salary and other allowances for the period from the date of their appointment till the date of this judgment. The arrears of salary shall be paid to them within two months from today. Their entitlement to future salary and allowances will however depend on the outcome of the fresh adjudication proceedings directed above. Needless to say, if ultimately it is found that the appointment of the petitioner/teachers was made in contravention of the statutory provisions, then notwithstanding the payment of salary to the petitioner/teachers, it would be open to the Government to recover the salary paid to the petitioner/teachers from the Manager in terms of the provisions of the KER.

The Writ Appeals are disposed as above.

Sd/-
Dr. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
MOHAMMED NIAS C.P.
JUDGE

prp/

The 8th line in paragraph 3 of the impugned judgment dated 09/08/2023 in W.A.No.1358/2023 which reads “WP(C) No.10664/2019 was filed challenging the show cause notice that was issued purporting to take over the management of School” is modified as “WP(C) No.10664/2019 was filed challenging the show cause notice that was issued purporting to disqualify the manager of the School”, as per the common order dated 23/08/2023 in R.P.No.885/2023 in W.A.No.1358/2023.

Sd/-
Dr. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
MOHAMMED NIAS C.P.
JUDGE

prp/

APPENDIX OF W.A.NO.1301/2023

PETITIONER ANNEXURES:

- Annexure A1 A TRUE COPY OF THE G.O (RT) NO.3422/19/G.
EDN DATED 27.08.2019.
- Annexure A2 A TRUE COPY OF LETTER NO. A4/3091/2018 DATED
13.12.2018 ISSUED BY THE REGIONAL HIGHER
SECONDARY DEPUTY DIRECTOR, KANNUR.
- Annexure A3 A TRUE COPY OF LETTER NO.380/T2/2018/G. EDN
DATED 02.03.2019.

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

APPENDIX OF W.A.NO.1351/2023

PETITIONERS ANNEXURES:

Annexure A1 A TRUE COPY OF LETTER NO. A4/3091/2018
DATED 13,12.2018 ISSUED BY THE REGIONAL
HIGHER SECONDARY DEPUTY DIRECTOR, KANNUR.

Annexure A2 A TRUE COPY OF LETTER NO.380/T2/2018/G. EDN
DATED 02.03.2019.

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

APPENDIX OF W.A.NO.1356/2023

PETITIONERS ANNEXURES:

Annexure A1 A TRUE COPY OF THE G.O (RT) NO.3422/ 19/G.
EDN DATED 27.08.2019.

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

W.A.NO.1301/2023
& CON. CASES

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APPENDIX OF W.A.NO.1357/2023

PETITIONERS ANNEXURES:

Annexure A1

A TRUE COPY OF THE G.O(RT) NO.3422/19/G.EDN
DATED 27.08.2019

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

APPENDIX OF W.A.NO.1358/2023

PETITIONERS ANNEXURES:

Annexure A(1) COPY OF G.O.(RT) NO.3422/19/G.EDN. DATED,
27.08.2019

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

APPENDIX OF W.A.NO.1360/2023

PETITIONERS ANNEXURES:

Annexure 1 ANNEXURE A (1)

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

APPENDIX OF W.A.NO.1361/2023

PETITIONERS ANNEXURES:

Annexure A(1) A TRUE COPY OF THE G.O (RT)NO.3422/19//G.EDN
DATED 27-08-2019

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE