

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

Friday, the 13th day of June 2025 / 23rd Jyaishtha, 1947

WP(C) NO. 21487 OF 2025 (I)

PETITIONERS:

1. SOWMYA M.V., AGED 42 YEARS, HSST CHEMISTRY, KANNADI HIGHER SECONDARY SCHOOL (SCHOOL CODE NO.9040), KANNADI P.O., PALAKKAD, KERALA, D/O VASUDEVAN M.C, RAJA NIVAS, KADAKURISSI, KANNADI P.O., PALAKKAD, PIN - 678 701.
2. BAVANA T.U., AGED 41 YEARS, HSST MATHEMATICS, KANNADI HIGHER SECONDARY SCHOOL (SCHOOL CODE NO.9040), KANNADI P.O., PALAKKAD, KERALA, PRESENTLY WORKING AS HSST MATHEMATICS, GOVT. H.S.S. BIG BAZAR, PALAKKAD, D/O T.U.K UNNI, RESIDING AT MELEPURA HOUSE, PANDARAKKAVU, MANAPULLIKKAVU, PALAKKAD, PIN - 678 013.
3. RAMSHAD E., AGED 41 YEARS, HSST COMMERCE, CHM HSS, POOKOLATHUR PULPETTA, S/O.MUHAMMED E., ELLANGAL HOUSE, VALIYAPARAMBA, NELLIKKAPARAMBA P.O., MUKKAM, KOZHIKODE, PIN - 673 602.
4. SAJULAL PACHAT, AGED 42 YEARS, HSST(JR) ECONOMICS, THARAKAN HSS ANGADIPPURAM, S/O BHASKARAN P., PACHAT HOUSE, MELANGADI P.O., KONDOTTY VIA, MALAPPURAM DISTRICT, PIN - 673 638.
5. PRASANTH V.S., AGED 40 YEARS, HSST (JR.) PHYSICS, SEVAMANDIR POST BASIC HSS, RAMANATTUKARA, KOZHIKODE DISTRICT, S/O VELAYUDHANKUTTY, T.P, NAIVEDYAM HOUSE, PERINGAVE PUTHUKODE POST, MALAPPURAM DISTRICT, PIN - 673 633.
6. VIJIN V.S., AGED 40 YEARS, HSST (JR.) CHEMISTRY, SEVAMANDIR POST BASIC HSS, RAMANATTUKARA, KOZHIKODE DISTRICT, S/O VSWANADHAN T., THACHATT HOUSE, KAKKUR P.O., KOZHIKODE DISTRICT, PIN - 673 613.
7. SIMI ANTO A., AGED 43 YEARS, HSST(JR)PHYSICS, KCPHSS, KAVASSERY, ALATHUR, PALAKKAD DISTRICT, D/O A.T.ANTO CHIRAYATH, MANJILAHOUSE, CHURCH ROAD, MUKKATTUKARA, NETTISSERY, THRISSUR, PIN - 680 651.
8. JINOOP S., AGED 39 YEARS, HSST COMPUTER SCIENCE, KCPHSS, KAVASSERY, ALATHUR, PALAKKAD DISTRICT, S/O K.A VASUDEVAN, VAISHNAVOM, KTA NAGAR, INDUSTRIAL ESTATE, PUDUPPARIYARAM, PALAKKAD, PIN - 678 731.
9. SALINI VISWAM, AGED 42 YEARS, HSST MATHEMATICS, KCPHSS, KAVASSERY, ALATHUR, PALAKKAD DISTRICT, D/O D.VISWAMBARAN NAIR ,KADAMBARI, THALESANPARAMBU, CHUNGAM, KAVASSERY, PIN - 678 543.
10. BINI K.NAIR, AGED 43 YEARS, HSST (JR.) CHEMISTRY , KCPHSS, KAVASSERY, ALATHUR, PALAKKAD DISTRICT, D/O N. JANARDHANANNAIR, RESIDING AT KARTHIKA, E.P VILLAGE, KAVASSERY, ALATHUR, PALAKKAD, PIN - 678 543.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE SECRETARY FINANCE, GOVT. OF KERALA, THIRUVANANTHAPURAM, PIN - 695 001.
3. DIRECTOR OF HIGHER SECONDARY EDUCATION, PRESENTLY WORKING UNDER DIRECTOR OF GENERAL EDUCATION SECONDARY WING, HOUSING BOARD BUILDING, SANTHINAGAR, THIRUVANANTHAPURAM, PIN - 695 001.
4. THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY EDUCATION, B2 BLOCK , CIVIL STATION, MALAPPURAM, PIN - 676 505.
5. THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY EDUCATION, REGIONAL OFFICE KOZHIKODE, PIN - 673 004.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay levy of contributory pension in the NPS Scheme in salary from the salary of the petitioners with immediate effect, till the disposal of the writ petition (Civil), in the interests of justice.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.VINCENT RAPHAEL, Advocate for the petitioners, the court passed the following:

D K SINGH, J.

W.P. (C) No. 21487 of 2025

Dated: 13th June 2025

ORDER

The Director General of Education will file his personal affidavit stating what steps are required to be taken for making a fair selection for the appointment of teachers in Government Aided Schools in the State. As of today, it appears that the Manager has absolute discretion to appoint anybody who is qualified as a teacher at the school without following any selection process or advertising the posts. And also, how these appointments are approved by the Educational Authorities when the due process of selection is not ensured.

2. *Prima facie*, it appears that there is a big nexus between the Managements and the Educational Authorities for giving appointments to the teachers in the schools, which are not on merit but for considerations other than merit. Let the affidavit of the Director General of Education be placed on

record within seven days to streamline a fair selection process of the teachers in Government Aided Schools, to stop the malpractice which is prevalent in making these appointments. If the affidavit is not filed before the next date of posting of this writ petition, the Director General of Education shall remain present in person before this Court.

3. It may also be stated that for making the selection of the teachers in Government Aided Schools, what is the nature of the Selection Committee constituted, whether the Manager has absolute power to constitute the Selection Committee, or if the Government has any say in the Selection Committee. An affidavit of the Principal Secretary of General Education should also be filed on these issues before the next date of posting of this writ petition.

Post the writ petition on 20.06.2025.

Sd/-
D K SINGH
JUDGE

jjj