



2026 INSC 151

IN THE SUPREME COURT OF INDIA**(CIVIL APPELLATE JURISDICTION)****CIVIL APPEAL NO. OF 2026****(@ Special Leave Petition (C) No. 17785 of 2024)****ZUBAIR. P ... APPELLANT****versus****STATE OF KERALA & ORS. ... RESPONDENTS****WITH****CIVIL APPEAL NO. OF 2026****(@ Special Leave Petition (C) No. 30768 of 2025)****JUDGMENT****VIPUL M. PANCHOLI, J.**

- 1. Leave granted.**

- 2. Both these appeals are preferred by the appellant, challenging the common impugned judgment and order dated 18.07.2024 passed by the Division Bench of the High**

Court of Kerala in Writ Appeal No. 733 of 2024 and Writ Appeal No. 769 of 2024, whereby the High Court affirmed the rejection of approval to the appointment of the appellant as Higher Secondary School Teacher (Economics) on the ground that he did not possess the requisite State Eligibility Test qualification in the concerned subject.

- 3.** As the issue in both these appeals is the same and as the Division Bench of High Court has passed a common judgment and order, both these appeals are being disposed of together by the present order.

FACTUAL MATRIX

- 4.** The brief facts of the case are as under:

4.1. The appellant had entered the service as an Upper Primary School Teacher on 01.11.2002 and was promoted as High School Teacher on 15.07.2004. Thereafter, on 15.07.2021, he was appointed as a Higher Secondary School Teacher (hereinafter referred as “HSST”) (Economics) by the competent authority. At the time of his appointment as HSST, the appellant was having a Bachelor’s degree in Economics, a Master’s degree in Economics and a B.Ed. in Social Sciences and State Eligibility Test (hereinafter referred as “SET”) qualification in Malayalam.

4.2. On the other hand, respondent no. 4, entered the service as an Upper Primary School Assistant on 01.11.1997 and was promoted as High School Assistant (English) from 16.07.2005 onwards. She was having a degree in B.A. (Economics), M.A. (Economics) and B. Ed. (Social Sciences) and SET qualification in Economics.

4.3. Aggrieved by the appointment of the appellant, respondent no. 4 raised objections alleging that the appellant neither had mandatory SET qualification in Economics as prescribed under Rule 6.2(24) of Chapter XXXII of the Kerala Education Rules (hereinafter referred as “*the Rules*”) nor he had ten years of high school teaching experience to fall within the exemption of mandatory SET under under Rule 10(4) of Chapter XXXII of the Rules.

4.4. Acting upon the objections, respondent-authorities *vide* its order dated 18.06.2022 declined to approve the appointment of the appellant on the ground that the appellant neither had SET qualification in Economics nor he had ten years of experience as a High School Teacher to avail the exemption of mandatory SET qualification in the concerned subject. Reliance was placed on the Government Order dated 18.01.2021 which clarified that it is mandatory

to pass the SET exam in the concerned subject to become a Higher Secondary school teacher.

4.5. Being aggrieved by the decision of the respondent-authorities, the appellant preferred a Writ Petition (C.) No. 20130/2022 seeking quashing of order dated 18.06.2022 and direction to respondent-authorities to approve his appointment as HSST with effect from 15.07.2021.

4.6. On the other hand, respondent no. 4 also preferred a Writ Petition (C.) No. 11190/2023 seeking direction to respondent-authorities to consider her claim for appointment as HSST (Economics).

4.7. Learned Single Judge *vide* common judgment and order dated 14.05.2024 dismissed the petition preferred by the appellant and allowed the petition preferred by the respondent no. 4. Accordingly, it was declared that the appellant is not qualified for appointment to the post of HSST (Economics) in a vacancy that arose on 01.06.2021 in the concerned school. Further, the learned Single Judge gave direction to the respondent-authorities to consider the claim of respondent no. 4 for appointment as HSST (Economics) in the school w.e.f. 01.06.2021 with all consequential benefits, if respondent no. 4 is found entitled.

4.8. Appellant, being aggrieved and dissatisfied with the order passed by the learned Single Judge, preferred Writ Appeal No(s). 733 of 2024 and 769 of 2024.

4.9. *Vide* the impugned judgment, the Division Bench of the High Court dismissed both the appeals filed by the appellant and thereby confirmed the judgment and order rendered by the learned Single Judge.

4.10. Aggrieved by the impugned judgment, the appellant has preferred the present appeals.

SUBMISSIONS ON BEHALF OF THE APPELLANT

5. Mr. Nikhil Goel, learned Senior Counsel and Mr. Haris Beeran, learned counsel appearing on behalf of the appellant, challenged the impugned judgment, which upheld the rejection of the appointment of the appellant as HSST (Economics) on the ground that he did not possess a SET qualification in Economics and made multifold submissions as under:

5.1. It is submitted that the appellant is qualified for the post of HSST (Economics) under the Rules. The appellant holds the Bachelor's Degree in Economics, Master's Degree in

Economics and B.Ed. in Social Sciences. Further, the appellant is having SET qualification in Malayalam.

5.2. Learned Counsel referred to Rule 6.2(24) of Chapter XXXII of the Rules which expressly requires the postgraduate degree and B.Ed. to be in the concerned subject. However, so far as SET is concerned, it is provided that the concerned candidate must have passed SET for the post of HSST conducted by the Government of Kerala or by an agency authorized by the State Government. Thus, it is submitted that the said rule does not specify any subject requirement for the SET qualification and the deliberate omission of subject-specific language in the SET qualification demonstrates the intent of the legislature that the SET qualification need not be subject-specific.

5.3. Learned Counsel, therefore, contended that the High Court in the impugned judgment erroneously interpreted Rule 6.2(24)(iii) of Chapter XXXII of the Rules and erred in reading into the Rule a condition which the Rule itself does not contain, thereby impermissibly adding words to a statutory provision and such an approach is contrary to settled principles of statutory interpretation. It is further submitted that the High Court wrongly relied on Government

orders and circulars prescribing subject-specific SET, as executive instructions cannot amend, override or supplement statutory rules.

5.4. It is also contended that the interpretation adopted by the High Court contradicts the long understanding and the application of Rule 6.2(24) of the Rules across educational institutions in Kerala.

5.5. Learned Counsel further submitted that Rule 10(4) of Chapter XXXII of the Rules provides exemption from SET for certain candidates based on other qualifications like NET, Ph.D., M.Phil., without requiring these qualifications in any specific subject. This reinforces that SET is intended as a general eligibility benchmark, not a subject-exclusive qualification. In addition, teachers with ten years of approved teaching certificates are also exempted from SET, regardless of the subject of their experience. It is submitted that the appellant was appointed as Upper Primary School Assistant on 01.11.2002 and promoted as High School Assistant (English) on 15.07.2004, whereas, the respondent no. 4 was promoted as High School Assistant (English) from 16.07.2005.

5.6. Learned Counsel for the appellant, therefore, urged that though the appellant was qualified to be appointed as HSST, his appointment was not approved by the authority and, therefore, the appellant had preferred the captioned writ petition. Learned Counsel submitted that the learned Single Judge as well as the Division Bench of the High court have committed serious error by interpreting provisions contained in Rule 6.2(24) of Chapter XXXII of the Rules.

5.7. Learned Counsel, therefore, urged that the impugned judgment passed by the High Court is liable to be set aside, and appropriate direction be issued to the respondent-authorities to appoint the appellant on the post in question by granting necessary approval.

SUBMISSIONS ON BEHALF OF RESPONDENT NO. 1 (State of Kerala)

6. Mr. Dileep Poolakkot, learned counsel appearing on behalf of the State, submitted that the impugned judgment is legal, valid and based on correct appreciation of facts and law, warranting no interference under Article 136 of the Constitution. Following submissions were made on behalf of respondent no. 1:

6.1. It is submitted that the appellant was appointed by transfer as HSST (Economics) on 15.07.2021. Accordingly, the Manager of the respondent-school submitted a proposal for the approval of the appointment of the appellant before the competent authority. Thereafter, the respondent no. 4 submitted a complaint in the office of Regional Deputy Director regarding the appointment and qualification of the appellant. It was pointed out by the respondent no. 4 that the appellant was not qualified for the post of HSST (Economics), as the appellant does not have SET in the relevant subject or ten years of high school teaching experience.

6.2. It is submitted that the appellant admittedly possesses BA and MA in Economics, B.Ed. in Social Studies and SET qualification in Malayalam, not in Economics and Rule 6(2)(24)(iii) of Chapter XXXII of the Rules requires SET in the concerned subject, namely Economics, for appointment as HSST (Economics). The appellant further does not possess ten years of approved High School teaching service, having only 9 years, 10 months and 14 days of such service after excluding periods of deputation and leave without allowance, and therefore, was not entitled for the exemption under Rule 10(4) of Chapter XXXII of the Rules.

6.3. The State submitted that the Government Order dated 18.06.2022 (G.O.(Rt) No. 3672/2022/G.Edn) rejecting approval of the appointment of the appellant was passed strictly in accordance with the Rules and pursuant to directions issued by the High Court. The subsequent grant of lower scale salary to the appellant was only an interim arrangement in compliance with court directions and does not confer any right of approval or regular appointment.

6.4. It is therefore submitted that the appellant lacks the essential statutory qualifications, the High Court has correctly interpreted Rules 6 and 10 of Chapter XXXII of the Rules.

6.5. Learned counsel therefore urged that the High Court has not committed any error while passing the impugned judgment and order. Thus, it is submitted that the present appeals are liable to be dismissed.

SUBMISSIONS ON BEHALF OF RESPONDENT NO. 3 (Manager,

PTM Higher Secondary School)

7. Mr. Zulfiker Ali P.S., learned counsel appearing for respondent no. 3, submitted that under the Kerala Education Act and the Rules, the Manager is the statutorily recognised appointing authority and has exclusive control over staff

management. The Manager has the inherent right to appoint teachers by transfer from the feeder category of High School Assistants (HSA) on a seniority-cum-suitability basis. Following submissions were made on behalf of respondent no. 3:

7.1. It is submitted that upon the vacancy of HSST (Economics) on 01.06.2021, the Manager validly appointed the appellant, who was the senior-most qualified teacher in the school, strictly in accordance with the Rules.

7.2. Learned Counsel submitted that a literal and harmonious reading of Rule 6 of Chapter XXXII of the Rules would reveal a deliberate distinction regarding qualifications.

While the Master's and B.Ed. degrees must be in the concerned subject, the rule merely mandates a pass in the SET without any subject-specific restriction. It is further submitted that the omission of subject-specific language for SET is intentional and indicates that the rule-making authority did not intend SET to be confined to the subject of appointment.

7.3. It is submitted that the appellant holds a Post Graduation in Economics and a B.Ed. in Social Science and an SET in Malayalam, satisfies the statutory eligibility for

HSST (Economics) because the SET is intended as an assessment of general teaching aptitude rather than a repetitive assessment of subject expertise, which is already verified by the post-graduate degree.

7.4. Learned Counsel further submitted that respondent no. 4 possessing SET in Economics would not supersede the appellant's seniority and valid qualifications as per the statutory rules.

7.5. Reliance is placed on ***Geetha v. State of Kerala, (2012 (1) KLT 829)***, wherein it was held that general teaching service is the criteria for exemption under Rule 10(4) of the Rules and that the Rules should not be re-written to insert subject-specific restrictions where none exist. It is asserted that across Kerala, numerous HSSTs appointed with SET in subjects different from their teaching subject are presently in service, reflecting a consistent administrative interpretation of Rule 6. It is submitted that disturbing this settled understanding would jeopardise the careers of countless teachers and unsettle long-standing appointments.

7.6. Reliance is placed on the Full Bench judgment of the High Court of Kerala in ***Manager, MPVHS School v. Girija, (2003) 1 KLT 935***, to contend that executive orders or

circulars, including the Government letter dated 18.01.2021, cannot override or supplement the statutory provisions of the Rules.

7.7. It is therefore submitted that the respondent no. 3 acted strictly within the four corners of the Rules in appointing the appellant and the impugned judgment, by importing a subject-specific requirement for SET, rewrites the statutory rule and is legally unsustainable.

7.8. It is therefore urged that the impugned judgement and order is liable to be set-aside and it is prayed that the appointment of the appellant made by the Management to be upheld.

SUBMISSIONS ON BEHALF OF RESPONDENT NO. 4

(Competing candidate for HSST (Economics))

8. Ms. Anne Mathew, learned counsel appearing for respondent no. 4, supported the interpretation adopted by the High Court that Rule 6(2)(24)(iii) of Chapter XXXII of the Rules mandates passing of SET in the concerned subject for appointment as HSST and made multifold submissions as under:

8.1. Learned Counsel submitted that to ensure maintenance of academic standards at the Higher Secondary level, the legislature decided to conduct SET examination for the post of HSST for the concerned subject as mandated in Rule 6 of Chapter XXXII of the Rules. Thus, the interpretation placed by the High Court is purposive, contextual and consistent with the scheme of the Rules and does not amount to adding words to the statute. Reliance is placed on ***Union of India v. Pushpa Rani, (2008) 9 SCC 242***, to argue that insisting on SET in the concerned subject is a policy choice aimed at maintaining academic standards and the courts should not dilute or re-interpret qualification requirements contrary to the understanding of the rule-making authority.

8.2. It is contended that the Government Letter dated 18.01.2021 clarifying the requirement of SET in the concerned subject is legal, valid and within the competence of the rule-making authority. Reliance is placed on ***Kunjunjamma v. State of Kerala, (2015) 11 SCC 440***, to support the validity of Government action and clarifications relating to SET qualification requirements and to contend that the Government's interpretation of Rule 6 of Chapter XXXII of the Rules is within its competence and cannot be lightly interfered with. It is further submitted that the

appellant never challenged the validity of the said Government Letter before the High Court and therefore cannot dispute its applicability in the present proceedings.

8.3. It is further submitted that the appellant possesses SET only in Malayalam, not in Economics and further, the appellant does not have ten years of approved High School teaching service, having only 9 years, 10 months and 14 days of eligible service after excluding periods of deputation and leave without allowance. Consequently, the appellant is ineligible both under Rule 6(2)(24)(iii) (absence of SET in Economics) and under Rule 10(4) of Chapter XXXII (failure to satisfy service-based exemption) of the Rules.

8.4. It is submitted that respondent no. 4 is fully qualified under the statutory rules, possessing BA and MA in Economics, B.Ed. in Social Science and SET qualification in Economics. Respondent no. 4 attended the interview, produced all requisite documents and was wrongfully overlooked when the Manager appointed the appellant, despite her superior statutory eligibility.

8.5. Learned Counsel referred to the prospectus issued for conducting the SET examination in July 2021, a copy of which is placed on record at Page 162 of the Counter Affidavit

filed on behalf of respondent no. 4. Clause 2 of the said prospectus provides for the scheme of the test which includes two papers and further provides that Paper II shall be a test based on the subject of specialisation of the candidate at the Post Graduate (PG Level).

8.6. The Full Bench decision of the Kerala High Court in ***Girija (supra)***, is distinguished by learned counsel, arguing that the said decision dealt with Chapter XXXI of the Rules (High School Assistants), not Chapter XXXII of the Rules (Higher Secondary Teachers) and the interpretative issue in the said decision concerned B.Ed. subject requirement, whereas, the present case concerns SET for HSST, a distinct cadre with higher academic standards.

8.7. It is submitted that accepting the interpretation of the appellant would undermine academic standards in Higher Secondary education, permit appointment of teachers lacking subject-specific eligibility, unsettle settled appointments and encourage avoidable litigation.

8.8. Learned Counsel, therefore, urged that the High Court has correctly interpreted the Rules, the appellant is statutorily ineligible and the directions to consider respondent no. 4 for appointment are lawful and just under

Rule 6.2(24) of Chapter XXXII of the Rules. The present appeals are therefore liable to be dismissed and the impugned judgment deserves to be upheld.

ANALYSIS AND FINDINGS

- 9.** Having heard learned counsel for the parties at length and having carefully perused the material on record, the Rules as well as the prospectus of the SET examination, it would emerge that the appellant had entered the service as an Upper Primary School Teacher on 01.11.2002 and was promoted as High School Teacher on 15.07.2004 and, thereafter, on 15.07.2021, the appellant was appointed as HSST (Economics) by the competent authority. It would further reveal that respondent no. 4 entered the service as an Upper Primary School Assistant on 01.11.1997 and was promoted as High School Assistant (English) from 16.07.2005 onwards.
- 10.** Now, it is not in dispute that the appellant possesses the Bachelor's Degree in Economics, Master's Degree in Economics, B.Ed. in Social Sciences and passed SET in Malayalam. It is also not in dispute that respondent no. 4 possesses a degree in B.A. (Economics), M.A. (Economics),

B.Ed. (Social Sciences) and passed the SET examination in Economics.

- 11.** Keeping in view the aforesaid factual aspects, the question which is posed for our consideration is whether Rule 6(2)(24)(iii) of Chapter XXXII of the Rules mandates that the SET qualification must be in the concerned subject only for appointment as HSST or in any subject would suffice for eligibility, and if so, whether the appellant satisfies the said requirement or qualifies for exemption under Rule 10(4) of Chapter XXXII of the Rules.
- 12.** The facts being undisputed, the controversy turns entirely on the correct interpretation of the statutory rules governing eligibility. Chapter XXXII of the Rules governs appointment to the cadre of Higher Secondary School Teachers, a cadre distinct from High School Assistants and governed by a separate statutory framework.
- 13.** The answer of the question posed before us will depend on the interpretation of Rule 6 of Chapter XXXII of the Rules which prescribes the essential qualifications for appointment as HSST. The said Rule is reproduced as under:

“6. Qualifications:- No person shall be eligible for appointment to the category in column (2) in the table below under the method specified in column

(3) unless he possesses the qualifications prescribed in the corresponding entry in column (4) there of.

<i>Sl. No.</i>	<i>Category</i>	<i>Method of Qualifications Appointment</i>	
(1)	(2)	(3)	(4)
(21)	xxxxxxx	<i>By Transfer (i) Master's Degree in the concerned subject will be recruited not less than 50% marks from any of the Universities in Kerala or a qualification recognised as equivalent thereto in the respective subject by a University in Kerala.</i>	
(22)	xxxxxxx		
(23)	xxxxxxx		
(24)	Economics		
(25)	xxxxxxx	<i>(ii) (1) B.Ed. in the concerned subject acquired after a regular course of study from any of the Universities in Kerala or a qualification recognised as equivalent thereto by a University in Kerala.</i>	
(26)	xxxxxxx		
(27)	xxxxxxx	<i>(2) In the absence of persons with B.Ed. Degree in the concerned subject, B.Ed. Degree acquired in anyone of the concerned Faculty as specified in the Acts/Statutes of any of the Universities in Kerala.</i>	
		<i>(3) In the absence of persons with B.Ed. degree as specified in</i>	

terms (1) and (2) above, persons with B.Ed. Degree in any subject acquired after a regular course of study from any of the Universities in Kerala or a qualification recognised as equivalent thereto by any of the Universities in Kerala.

(iii) Pass in the State Eligibility Test for the post of Higher Secondary School Teacher conducted by Government of Kerala or by the Agency authorized by the State Government.

(emphasis supplied)

14. Thus, from the perusal of Rule 6, it transpires that the said Rule provides for qualification for appointment as HSST. Clause 24 deals with the subject 'Economics'. The Rule provides that the post in question requires a Master's Degree in the concerned subject with a particular percentage of marks and a B.Ed. qualification. Sub-clause (iii) provides that the candidate shall "*pass in the State Eligibility Test (SET) for the post of Higher Secondary School Teacher (HSST) conducted by the Government of Kerala or by the agency authorized by the State Government.*"

15. The argument advanced on behalf of the appellant and respondent no. 3 rests on the absence of the words “*in the concerned subject*” in clause (iii). However, we are of the view that a statutory provision cannot be interpreted in isolation or by placing undue emphasis on textual omission divorced from context, purpose and scheme.

16. In ***Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd., (1987) 1 SCC 424***, this Court authoritatively held that interpretation must depend on the text and the context and that the statute must be read as a whole so as to advance its object and suppress the mischief. It was observed that a construction which leads to absurdity or defeats the purpose of the enactment must be avoided. The relevant paragraph of the said decision is reproduced as under:

“33. *Interpretation must depend on the text and the context. They are the bases of interpretation. One may well say if the text is the texture, context is what gives the colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. A statute is best interpreted when we know why it was enacted. With this knowledge, the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word. If a statute is looked at, in the context of its enactment, with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words*

may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these glasses we must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place. It is by looking at the definition as a whole in the setting of the entire Act and by reference to what preceded the enactment and the reasons for it that the Court construed the expression “Prize Chit” in Srinivasa [(1980) 4 SCC 507 : (1981) 1 SCR 801 : 51 Com Cas 464] and we find no reason to depart from the Court’s construction.”

17. The Government Letter dated 18.01.2021 further clarifies that SET must be in the concerned subject to become a Higher Secondary teacher. The relevant part of the said Letter is reproduced as under:

“Your attention is drawn to the notification. Since it is mandatory to pass the SET exam in the respective subject to become a Higher Secondary teacher, it is informed that the SET qualification in Sociology cannot be considered for appointment to the HSST (English) post.”

18. At this stage, we would also like to refer to the prospectus for the SET examination. The relevant paragraphs and the scheme of the test is extracted as below:

“1. Introduction

In order to ensure the standards of teaching in Higher Secondary Course, the Government

have decided to conduct the State Eligibility Test for the candidates to be selected as Higher Secondary School Teachers and Non-Vocational Teachers in VHSE. A pass in the State Eligibility Test (SET) is stipulated as a mandatory requirement for appointment as Higher Secondary School Teachers in the State as per the Special Rules in force.

XXX

XXX

XXX

2. Scheme of the Test.

2.1 There shall be two papers for the SET-JULY-2021.

Paper I

Paper I is common for all candidates. It consists of two parts, Part(A) General Knowledge and Part(B) Aptitude in Teaching.

Paper II

Paper II shall be a test based on the subject of specialisation of the candidate at the Post Graduate (PG) Level.”

19. On perusal of the aforesaid scheme of the test, it transpires that the test consists of two papers where Paper II is based on the subject of specialisation of the candidate at Post Graduate Level. Thus, it is not in dispute that SET is conducted subject-wise and it includes a paper testing postgraduate-level subject expertise, therefore, a candidate cannot qualify in SET without choosing a specific subject of specialisation. Hence, when SET qualification is itself subject-specific, it is immaterial whether or not Rule

6.2(24)(iii) of Chapter XXXII of the Rules provides for SET “*in the concerned subject*” or not.

20. The specific case of respondent no. 1 and respondent no. 4 that the legislature decided to conduct SET examination for the post of HSST in order to ensure the academic and teaching standards in the Higher Secondary level and thus, the SET qualification must be in the same subject as that of the HSST post, is well founded, as the said submission is supported by the object and scheme of the test laid down in the prospectus as well.

21. It is clear that the object of introducing SET for Higher Secondary Teachers is to ensure subject competence and pedagogical suitability at the Higher Secondary level, which is qualitatively distinct from lower teaching cadres. Thus, in this backdrop, to accept the interpretation of the appellant would result in a situation where a candidate tested for eligibility in an entirely unrelated discipline could claim appointment to teach another specialised subject and such an interpretation would defeat the very object of prescribing the SET qualification at the Higher Secondary level and would lead to manifestly absurd results.

22. Therefore, a purposive and contextual reading of Rule 6 of Chapter XXXII of the Rules compels the conclusion that the SET qualification must necessarily correspond to the subject of appointment, even if the Rule does not expressly reiterate the phrase “*concerned subject*” in clause (iii) of the said Rule. We are unable to accept the submission that such an interpretation amounts to “adding words” to the Rule, as this Court is duty bound to undertake a purposive and harmonious interpretation of the statute.

23. The reliance placed by the appellant and respondent no. 3 on ***Girija (supra)*** is misplaced and the High Court rightly distinguished the said decision, as it concerned the cadre of High School Assistants and the B.Ed. qualification and the issue in the present case involves Higher Secondary cadre and the SET qualification, which stands on a distinct footing with higher academic standards. The relevant paragraph of the impugned judgment is reproduced as under:

“7. Before going into the said issue, it will be better to bear in mind the well settled principles of interpretation. If the rule is clear and unambiguous, the intention of the legislature need not be gather with reference to the other rules. We must remember that Chapter XXXI Rule 2 of KER deals with appointment of the High School Assistants, whereas Chapter XXXII is concerning the Higher Secondary School Teachers. The judgment of the Full Bench in *Girija (Supra)* was concerned with the

interpretation of Rule 2 of Chapter XXXI of KER. On a reading of the said Rule, it becomes evident that there is no insistence to obtain B.Ed in the concerned subject for appointment as HSA. However coming to Rule 6.2(24) of Chapter XXXII K.E.R, that is not the case. Therefore, we are of the view that interpretation placed by the Full Bench of this Court in Girija (Supra) cannot come to the aid of the appellant in this case. Therefore, we find that the learned Single Judge was perfectly justified in finding that the Rule 6 of Chapter XXXII KER is differently worded from Rule 2 of Chapter XXXI KER. It is also pertinent to note that, the post to which these two Rules apply are also different.”

- 24.** Further reliance placed by respondent no. 3 on the decision of a learned Single Judge of the High Court of Kerala in the case of **Geetha (supra)** is distinguishable, as it concerned Rule 10 of Chapter XXXII of the Rules which provides for exemption for the SET qualification in case of ten years teaching experience. However, the present case is concerned about the very foundation of the SET qualification and thus, the same cannot be treated lightly.
- 25.** From the aforesaid detailed discussion, it can be said that the concerned candidate is required to pass SET in the concerned subject. In the present case, it is not in dispute that the appellant, though having Bachelor's Degree as well as Master's Degree in Economics, passed SET in Malayalam, whereas, respondent no. 4 is having the degrees of Bachelor's and Master's in Economics as well as the SET qualification

in Economics. We are, therefore, of the view that when respondent no. 4 is fulfilling all the required eligibility criteria including the SET qualification in the concerned subject, the High Court has not committed any error while passing the impugned judgment and order.

26. At this stage, it is also relevant to observe that it is the case of the appellant that Rule 10(4) of Chapter XXXII of the Rules provides that "*teachers who have completed ten years of approved teaching service at the High School level shall be exempted from passing the State Eligibility Test*". Admittedly, the appellant has completed 09 years 10 months and 14 days service, i.e., less than ten years which is the minimum prescribed by the Rules and, therefore, the appellant is not entitled to seek an exemption under the said Rule. Thus, we are of the view that the said contention of the appellant is also misconceived.

CONCLUSION

27. Therefore, from the above detailed analysis, the answer to the question posed for our determination is as under:

27.1. When Rule 6.2(24)(iii) of Chapter XXXII of the Rules is read with the prospectus of the SET examination, particularly Clause 2 of the prospectus, it can be safely said

that the candidate is required to pass SET in the concerned subject to qualify for the appointment to the post of HSST in the said concerned subject. Even though in Rule 6.2(24)(iii), the words “*in the concerned subject*” are missing, the said Rule cannot be interpreted in isolation and the textual omission has to be inferred from context, purpose and scheme of the provision. Thus, the said clause is required to be interpreted in the aforesaid manner. and possession of SET qualification in any other subject unrelated to the teaching post, does not suffice the statutory eligibility criteria.

27.2. Therefore, the High Court has not committed any error in affirming the decision of the learned Single Judge, wherein it was declared that the appellant is not qualified for appointment to the post of HSST (Economics) in a vacancy that arose on 01.06.2021 in the concerned school and respondent no. 4 is eligible for appointment as HSST (Economics) in the school w.e.f. 01.06.2021, with all consequential benefits, if respondent no. 4 is found entitled and the findings in the present judgment regarding the eligibility of respondent no. 4 shall also be considered while considering her claim for appointment to the post.

27.3. Necessary orders shall be issued by the respondent-authorities within a period of two months from the date of this judgment.

28. It is further clarified that in pursuance to the appointment made to the post in question, no recovery of excess amount paid to the appellant, if any, shall be carried out by the respondent-authorities.

29. For the aforesaid reasons, we are of the view that the present appeals deserve to be dismissed and accordingly, both the present appeals are dismissed.

.....J.
[**K.V. VISWANATHAN**]

.....J.
[**VIPUL M. PANCHOLI**]

NEW DELHI
February 13, 2026