

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2720 of 2007 (W)

PETITIONERS :

1. THE KERALA ELEMENTARY TEACHER EDUCATORS
ASSOCIATION GOVT & AIDED, ANUGRAHA
PADINHATTUMURI P.O., KUTTILANGADI VIA, MALAPPURAM
REPRESENTED BY ITS SECRETARY, MR.K.P.UNNI.
2. MR.MOOSAKUTTY, C.,
CHULLIKULAVAM HOUSE, KODASSERY, PANDIKKAD
MALAPPURAM.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENT :

THE STATE OF KERALA REPRESENTED BY ITS
SECRETARY, GENERAL EDUCATION, SECRETARIAT
TRIVANDRUM.

*ADDL.RESPONDENT NO.2 IMPEADED

ADDL.R2. NATIONAL COUNCIL FOR TEACHER EDUCATION, REPRESENTED BY ITS
CHAIRPERSON, WINGS II, HANS BHAVAN, BSZ MARG NEWDELHI - 110 001.

ADDL.RESPONDENT NO.2 IMPEADED VIDE ORDER DATED 23.11.09 IN I.A.14645/09

R1 BY GOVERNMENT PLEADER SRI.ABHIJETT LESSIL
R2 BY ADV.SRI.V.M.KURIAN, SC, SRC-NCTE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2720 of 2007 (W)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE TTC CURRICULUM

EXT.P2 : COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 12.12.2003

EXT.P3 : COPY OF THE ORDER OF THE RESPONDENT DATED 25.11.04

EXT.P4 : COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.NO.6440/2005 DATED
THE JUDGMENT DATED 13.12.2005

EXT.P5 : COPY OF THE ORDER OF THE RESPONDENT DATED 31.10.2006

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.2720 of 2007

Dated this the 21st day of January, 2015

J U D G M E N T

The first petitioner is an association of Elementary Teachers' Educators while the second petitioner is a Teacher Educator. They have filed this writ petition seeking the following reliefs :

- a) Issue a writ of certiorari or other appropriate writ, order or direction and call for the records leading to Ext.P5 order dated 31.10.2006 and to quash the same.
 - b) Issue a writ of Mandamus or other appropriate writ, order or direction and direct the respondent to pay the members of the 1st petitioner association salary and other benefits as per the NCTE guidelines.
 - c) Or in the alternative to Issue a writ of Mandamus or other appropriate writ, order or direction and direct the respondent to equate the salary and other service benefits of the Teacher Educators at least with that of the Higher Secondary Teachers and Lecturers of District Institutes for Education and Training.
- and
- d) to grant such other reliefs as may be prayed for in the circumstances of the case.

2. According to the petitioners, they are working in Teacher Training Institutes. The curriculum of a Teacher Training Institute is equivalent to a Post Higher Secondary Course. The National Council for Teacher Education ('NCTE' for short) has recommended that the teachers of Teachers Training Institutes should be upgraded to that of a College Lecturer. According to the petitioners, the qualifications prescribed for Teacher Educators are different and higher than that of

Higher Secondary Assistants. The petitioners complain that, teachers of Higher Secondary Schools are paid a much better salary than that of Teacher Educators. The above according to the petitioners, works injustice to them.

3. They had therefore submitted Ext.P2 representation to the 1st respondent seeking enhancement of their salary and other benefits. However, the representation was rejected. The petitioners thereupon approached this Court by filing W.P(C).No.6440/2005. The said writ petition was disposed of by Ext.P4 judgment dated 13.12.2005 directing the 1st respondent to reconsider the entire issue. The order rejecting Ext.P2 representation was also set aside. Accordingly, the matter has been reconsidered and Ext.P5 proceedings have been issued, again rejecting the representation of the petitioners. The petitioners are aggrieved by Ext.P5.

4. According to Adv.Sri.Devan Ramachandran who appears for the petitioners, Ext.P5 is unsustainable and liable to be set aside. It is contended that, in the nature of the duties discharged by Teacher Educators, they require to be paid a better and higher salary than Higher Secondary Teachers. The duties of a Teacher Educator are onerous when compared to the duties of a Higher Secondary Teacher. The Teacher Educators have to travel long distances to conduct practical classes where instructions for teaching are to be given to teachers of various schools. The qualification prescribed for Teacher

Educators is also higher than that of a Higher Secondary Teacher. It is further pointed out that, Teachers under the District Institutes for Education and Training ('DIET' for short) are paid a much higher salary for no particular reason. Therefore, they seek parity in salary with the said teachers.

5. A counter affidavit has been filed by the 1st respondent. The learned Government Pleader who appears for the 1st respondent points out that, the existing rules regarding the qualifications have not been changed on the basis of the NCTE norms. What is done at present is only to transfer Higher Secondary Teachers as Teacher Educators at Teachers Training Institutes. If qualifications are insisted upon strictly, all the persons who are working at present would have to be terminated. The staff of DIET discharge different duties. The faculty of DIET cannot be equated to Teacher Educators, whom petitioners represent. The duty of Teacher Educators is only to give training on the basis of the syllabus adopted in the Primary Section of the State. It is pointed out that, the petitioners had represented their case before the 8th Pay Commission also. However, the Pay Commission have not considered their contentions favourably and therefore, no relief has been granted to them. All the above aspects have been considered in detail by Ext.P5 and there are absolutely no grounds to interfere with the same.

6. Heard. The issue that has been raised is whether the Teacher

Educators should be paid salary at par with that of Higher Secondary Teachers. The issue has been considered by Ext.P5 with reference to the nature of the duties discharged, the qualifications of the persons holding the respective posts, the mode of selection, method of appointment and other relevant factors. It has been found in Ext.P5 that, the two posts cannot be equated and that, the Teacher Educators could not be paid salary on par with that of Higher Secondary Teachers. It has also been noticed in Ext.P5 that, though the petitioners have represented their case before the 8th Pay Commission, the Pay Commission was also not inclined to accept their contentions. It is clear from the nature of the contentions raised before me that, the issues involved are not legal in nature. They constitute matters of policy with respect to which, it is not for this Court to take a decision. It is for the Administrators to make policy choices taking into consideration all the relevant aspects. I do not find any infirmity in Ext.P5 justifying an interference with the same. The petitioners would have to take up their grievances before the Administrators and try to convince them that their case requires sympathetic consideration. The reliefs sought for cannot be granted for the above reasons.

In view of the above, this writ petition is dismissed.

Sd/-
K.SURENDRA MOHAN, JUDGE.