

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

W.P.(C).No.10183 of 2014 (W)

PETITIONER(S):-

ANIL.G., AGED 49 YEARS,
THE MANAGER, T.E.M. VEOCATIONAL HIGHER SECONDARY SCHOOL,
MYLODE P.O., POOYAPPALLY, KOLLAM-691 537; AND
RESIDING AT KRISHNA VILASOM, NETTAYAM P.O.,
AMABALAMKUNNU, KOLLAM-691 537.

BY ADVS.SRI.K.BABU RAJAN
SRI.K.JALADHARAN.

RESPONDENT(S):-

1. THE STATE OF KERALA (REPRESENTED BY)
THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.
3. THE DY.DIRECTOR OF EDUCATION,
NEAR BOYS' HIGH SCHOOL, KOLLAM-691 001.
4. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA, NEAR TALUK OFFICE, KOTTARAKKARA.

R1 TO R4 BY ADDL.ADVOCATE GENERAL SRI.K.A.JALEEL
I/B. SPECIAL GOVERNMENT PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.10183 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1. TRUE COPY OF THE ORDER BEING G.O.(P)
NO.199/2011/G. EDN.DATED 1/10/2011.

EXHIBIT P2. TRUE COPY OF ORDER NO.G.O.(MS) NO.154/2013/G.EDN
DATED 3/5/2013.

EXHIBIT P3. TRUE COPY OF THE OTHER BEING G.O.(P) NO.313/2013/G.EDN
DATED 29/11/2013.

EXHIBIT P4. TRUE COPY OF THE CIRCULAR BEING H2/29303/DPI
DATED 5/3/2014.

EXHIBIT P5. TRUE COPY OF ONE SUCH ORDERS PASSED BY THIS COURT ON
11/3/2014 IN WPC BO.6807/20149(A).

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.10183 of 2014-W

Dated this the 22nd day of December, 2015

JUDGMENT

The challenge in the above writ petition is to G.O.(P) No.199/2011/G.Edn. dated 01.10.2011, G.O.(MS) No.154/2013/G.Edn. dated 03.05.2013, G.O.(P) No.313/2013/G.Edn. dated 29.11.2013 and a consequential circular issued at Exhibit P4.

2. The challenge against G.O.(P) No.199/2011 and G.O.(P) No.313/2013 has already been upheld by a decision of this Court in W.P.(C).No.30107 of 2013 dated 15.01.2015. With respect to G.O.(MS) No.154/2013 regarding the ratio to be employed in the elementary education, while the Kerala Education Rules, 1959 [for brevity "KER"] prescribes a ratio of 1:45, being the ratio of teachers to students strength, the Right of Children to Free and Compulsory Education Act, 2009 [for brevity "RTE Act"] contemplates a ratio of 1:30 for Class I to IV and 1:35 for Class V to VIII. The said issue was also considered by this Court in the judgment in W.P.(C).No.19008 of 2013 and connected cases, dated 17.12.2015.

3. Accordingly, this writ petition also would stand disposed of upholding the challenge to G.O.(P) No.199/2011 and G.O.(P) No.313/2013 and with respect to G.O.(MS) No.154/2013, the orders, directions and observations as contained in the judgment in W.P.(C).

No.19008 of 2013 and connected cases dated 17.12.2015, more specifically Nos.(i) para 84 of the judgment; which is extracted hereunder:

“(i) The challenge to the conversion of Elementary Cycle as brought out by Clause-2 of G.O.(Ms) No.154/2013/G.Edn. dated 03.05.2013 would be negatived; but, however, leaving open the question of up-gradation or grant of higher standards to be considered after the Government comes out with the comprehensive measure as directed in W.P.(C).No.3060 of 2014 and connected cases, by judgment dated 18.06.2015. Clause-4 of the aforesaid G.O. stipulating 1:30 and 1:35 ratio to determine the staff strength, as contemplated under the RTE Act to the schools as such; retaining the 1:45 ratio as per the KER, would stand set aside. The provisions of the KER with respect to 1:45 ratio would be rendered, void on the RTE Act coming into force and the stipulation would be as per the Schedule of the said Central legislation, wherein different PTR is provided for Class I to V and Class VI to VIII, which has to be taken for individual class/divisions in the Elementary Cycle of the schools”.

Ordered accordingly.

Sd/-
K.Vinod Chandran
Judge.

Vku/-

[true copy]