

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 25303 of 2014 (K)

PETITIONER(S):

THE CORPORATE MANAGER
CORPORATE EDUCATIONAL AGENCY
CATHOLIC ARCH DIOCESE OF TIRUVALL
TIRUVALLA - 689 101.

BY ADVS.SRI. KURIAN GEORGE KANNANTHANAM
SRI.TONY GEORGE KANNANTHANAM
SRI.JJI THOMAS

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, TRIVANDRUM - 695 001.

R1-R2 BY SRI K A JALEEL, ADDL. ADVOCATE GENERAL
I/B GOVERNMENT PLEADER SRI T T MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-12-2015, ALONG WITH WPC NOS.25305/2014, 27875/2014, 27943/2014, 28089/2014
AND 34972/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25303 of 2014 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE ORDER DATED 01/10/2011 OF THE GENERAL
EDUCATION (J) DEPARTMENT.

EXHIBIT-P2-TRUE COPY OF THE NOTIFICATION DATED 11/08/2014 ISSUED BY THE
1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) Nos.25303 of 2014, 25305 of 2014, 27875 of 2014 , 27943
of 2014, 28089 of 2014 & 34972 of 2014

Dated this the 23rd day of December, 2015

J U D G M E N T

The challenge in the above writ petitions is to the amendments made to the Kerala Education Rules, 1959 [for brevity “KER”] as per S.R.O. No.485/2014 [G.O.(P) No.154/2014/G.Edn. dated 11.08.2014]. In W.P.(C).No.27716 of 2014, there is also a prayer to quash a consequential order passed by the Government. The issue was considered by this Court in W.P.(C).No.19008 of 2013 and connected cases, dated 17.12.2015.

2. Accordingly, these writ petitions also would stand disposed of in terms of the orders, directions and observations as contained in the said judgment and more specifically conclusion Nos.(iii) at para 84 of the aforesaid judgment; which are extracted hereunder:

“(iii) The amendments made to the KER as per
S.R.O.No.485/2014 [G.O.(P) No.154/2014/G.Edn. dated

11.08.2014] would have only prospective application. The amendment made by Rules 2(1), 2(2)(a), 2(2)(b) and 2(3) of the Amendment Rules of 2014 would stand set aside, as being arbitrary and unreasonable. Amendment Rule 2(4) introduces Chapter XXI to the KER in which Chapter, Rules 1 to 6 would stand set aside, again as being arbitrary and unreasonable. Rule 7 in Chapter XXI alone would be sustained. Amended rule 2(5)(a) and 2(5)(b) would be sustained. Amended Rule 2(5)(c), being the substitution of Rule 12 of KER would also be sustained; but, however, finding the effective strength of pupils reckoned for the academic year 2010-11, made permanent; as being ultra vires the provisions of the KE Act and the other provisions of the KER, as also running counter to the provisions of the RTE Act. The procedure for staff fixation orders based on UID would stand sustained. Amended Rule 2(5)(2)(d) would be sustained, while clause (e) of the said Rule would stand set aside”.

Ordered accordingly.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge