

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.25391 of 2014 (Y)

PETITIONER(S):-

CORPORATE MANAGER,
JAICHRISTO CONGREGATION OF MOTHER OF
CARMEL EDUCATIONAL AGENCY,
PALAKKAD.

BY ADV. DR.GEORGE ABRAHAM.

RESPONDENT(S):-

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

R1 & R2 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, ALONG WITH W.P.(C) NO.25399 OF 2014-Y AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.25391 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1 : TRUE COPY OF THE GOVERNMENT ORDER
DATED 01.10.2011.

EXHIBIT P2 : TRUE COPY OF THE GOVERNMENT ISSUED
GO(P) 154/2014/G.EDN. DATED 11.08.2014.

RESPONDENT(S)' EXHIBITS:-

NIL.

[true copy]

K. Vinod Chandran, J

W.P.(C).Nos.25391 of 2014-Y, 25399 of 2014-Y,
25519 of 2014-L, 26183 of 2014-W, 27716 of 2014-L
30651 of 2014-F & 32711 of 2014-L

Dated this the 22nd day of December, 2015

JUDGMENT

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.

Vku/-

[true copy]