

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.29553 of 2015 (T)

PETITIONER(S):-

1. JAYASHRI P, AGED 50 YEARS, D/O.LATE V.GOVINDANKUTTY MENON,
MANAGER, A.L.P.SCHOOL, POTHU, ADAKKAPUTHUR.P.O,
CHERUPULASSERY (VIA), PALAKKAD-679503.
2. T.K.SARASWATHY AMMAL,
MANAGER, A.U.P.SCHOOL, CHEMBRAMKULAM, KOTTAYI.
3. A.SAROJINI,
MANAGER, JUNIOR BASIC SCHOOL, VETTUKAD,
MANJALUR, PALAKKAD.
4. T.SWAMANADHAN,
MANAGER, A.L.P.SCHOOL, THANNISSERY, PALAKKAD-676501.
5. P.M.NARAYANAN KUTTY,
MANAGER, S.V.A.L.P.SCHOOL, KURIKKAD,
P.O.THRICKALAMGODE, MALAPPURAM-676123.
6. BABU.P.R,
MANAGER, A.S.L.P.SCHOOL, CHELAKODE, MALAPPURAM DISTRICT.
7. MANILAL.P,
MANAGER, S.N.L.P.SCHOOL, VETTUKATTIRI.P.O., THRISSUR.
8. RAJEEV,
MANAGER, S.N.L.P.SCHOOL, VETTUKATTIRI.P.O., THRISSUR.
9. C.KALLIANIKUTTY,
C.G.E.M. LOWER PRIMARY SCHOOL,
(P.O) CHELAKKARA-680586.
10. U.P. RAMACHANDRAN,
MANAGER, D.V., LOWER PRIMARY SCHOOL,
KONDAZHY.P.O, SOUTH KONDAZHY, THRISSUR.
11. GOPALAKRISHNAN.M.R,
MANAGER, M.R.N.M.LOWER PRIMARY SCHOOL, PATTIPARAMBU,
THIRUVILWAMALA.

12. ENDEEN KUTTY.T.A,
A.L.P.SCHOOL, THALASSERY.P.O, DESAMANGALAM,
THRISSUR DISTRICT-679532.
13. BABYKUMARI.V.N
MANAGER, A.L.P.SCHOOL, PANAMANNA (WEST),
PATHAMKULAM.P.O, (VIA) VANIAMKULAM, PALAKKAD DISTRICT.
14. P.MURALIDHARAN,
MANAGER, A.L.P.SCHOOL, MUNNATHARA,
PAZHAYANNUR.
15. K.K.JAYARAJA MENON,
MANAGER, A.L.P.SCHOOL, PAZHAYANNUR
THRISSUR-680587.
16. P.S. SASIKUMAR,
MANAGER, NO.38, ADARASHA, VIDUD NAGAR, PALAKKAD.

BY ADVS.DR.GEORGE ABRAHAM
SRI.LINDONS C.DAVIS.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY ITS:SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695014.
3. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD DISTRICT- 678 001.
4. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR DISTRICT - 680 001.
5. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM DISTRICT - 676 505.

R1 TO R5 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.29554 OF 2015-T, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.29553 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 TRUE COPY OF THE GOVERNMENT ORDER G.O.(P)
 NO.317/2005/GEN.EDN. DATED 17-08-2005.
- EXT.P2 TRUE COPY OF THE GOVERNMENT ORDER G.O.(P)
 NO.10/2010/G.EDN. DATED 12/1/2010.
- EXT.P3 TRUE COPY OF THE GOVERNMENT ORDER G.O.(P)
 199/2011/G.EDN. DATED 1/10/2011.
- EXT.P4 TRUE COPY OF THE LETTER NO.60930/J2/11/G.EDN.
 DATED 25/10/2011 OF THE GOVERNMENT.
- EXT.P5 TRUE COPY OF THE G.O.(P) NO.213/2015/G.EDN.
 DATED 6/8/2015 OF THE GOVERNMENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).Nos.29553 of 2015-T & 29554 of 2015-T

Dated this the 22nd day of December, 2015

JUDGMENT

The challenge in the above writ petitions is to G.O.(P) No.213/2015/G.Edn. dated 06.08.2015 and 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 student-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 V and 1:35 for Class VI to VIII. Both issues were considered by this Court in the judgment 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 judgment, more specifically, conclusion Nos. (i) and (v) at para 84 of the aforesaid judgment; which are 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

negated; 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.

(v) G.O.(P)No.213/2015/G.Edn. dated 06.08.2015 would stand sustained, holding that the said Government Order does not speak of protected teachers having lien under one management; to be deployed to a school under another management. The stipulation of following the ratio of 1:45 in elementary education and prescription for staff fixation at 1:45 ratio as per the KER would stand nullified in elementary education; for reason of the stipulation under the RTE

Act of 1:30 and 1:35, which is mandatory. The staff fixation for the years 2011-12 has to be carried out by the Educational authorities on the basis of the unamended Rule 12 upto the academic year 2014-15 as directed hereinabove”.

Ordered accordingly.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]