IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 13679 OF 2025

PETITIONER:

NAVAS A
AGED 45 YEARS
S/O ABDULSALAM HEADMASTER,
LMS LP SCHOOL, VARKALA,
THIRUVANANTHAPURAM DISTRICT
RESIDING PATHEKKARIL, PUNNODE,
VETTIYARA P.O. NAVAYIKKULAM,
THIRUVANANTHAPURAM, PIN - 695603

BY ADVS.
V.A.MUHAMMED
M.SAJJAD

RESPONDENTS:

1 **THE STATE OF KERALA**
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT ANNEXE II,
THIRUVANANTHAPURAM, PIN - 695001

2 **THE DIRECTOR OF GENERAL EDUCATION**
JAGATHY, THIRUVANANTHAPURAM,
PIN - 695014

3 **THE DEPUTY DIRECTOR OF EDUCATION**
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM, PIN - 695014

4 THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER,
VARKALA, THIRUVANANTHAPURAM,
PIN - 695141

5 THE DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
ATTINGAL, THIRUVANANTHAPURAM,
PIN - 695101

6 THE CORPORATE MANAGER
CHURCH OF SOUTH INDIA,
KOLLAM- KOTTARAKKARA DIOCESE LMS SCHOOLS
CSI COMPOUND, KOLLAM,
PIN - 691001

SRI. RIYAL DEVASSY.,GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 7th day of April, 2025

The petitioner states that the petitioner commenced his continuous service as Part Time Arabic Teacher from 01.06.2005 onwards at LMS LP School, Mulayara. Later, the petitioner was posted as Full Time Arabic Teacher with effect from 05.06.2006 onwards. The petitioner is having MA, BA, B.Ed and has passed Departmental Test, for appointment to the post of Headmaster.

2. Accordingly, with effect from 01.06.2024, the petitioner was promoted as Headmaster. However, the approval was rejected by the Educational Officer for the reason that he did not have TTC qualification. It is against the Full Bench decision of this Court in **Manager SNDP LP School v. K.V.Roy and others** [2006 (4) KLT 497], wherein this Court has held that B.Ed is sufficient qualification for

promotion as Headmaster in the Lower Primary School, contends the petitioner.

3. The Assistant Educational Officer failed to consider Ext.P11 judgment and Rule 2 Chapter II KER, which prescribed the definition of Primary School. Aggrieved by the order of the Assistant Educational Officer, the petitioner filed Ext.P12 Revision Petition before the 1st respondent, which is pending consideration, contends the petitioner.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader representing respondents 1 to 5.

5. The petitioner submits that the impugned orders have been passed holding that the petitioner does not have TTC qualification. A Division Bench of this Court has held that if one is having B.Ed qualification, it is sufficient qualification for promotion as Headmaster of a Primary School in terms of the KER.

6. In view of the said declaration of law by this Court, I am of the view that the respondents are liable to consider Ext.P12 Revision Petition submitted by the petitioner.

In the facts of the case, the writ petition is disposed of directing the 1st respondent to consider Ext.P12 Revision Petition submitted by the petitioner adverting to Exts.P10, P11, P13 and P14 also and pass appropriate orders thereon within a period of four months, after giving an opportunity of hearing to the petitioner. Till a decision is taken on Ext.P12, further proceedings pursuant to Ext.P9 shall stand deferred. *Status quo* as regards continuance of the petitioner as Headmaster, shall be maintained till a decision is taken on Ext.P12.

Sd/-

N.NAGARESH

JUDGE

hmh

APPENDIX OF WP(C) 13679/2025

PETITIONER'S EXHIBITS

Exhibit P-1	**TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER AS PART TIME ARABIC TEACHER AT LMS LP SCHOOL, MULAYARA IN TRIVANDRUM DISTRICT. FROM 01.06.2005**
Exhibit P-2	**TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER AS ARABIC TEACHER FULL TIME W.E.F 05.06.2006 ONWARDS AT LMS LP SCHOOL, VAKKOM**
Exhibit P-3	**TRUE COPY OF THE DEGREE CERTIFICATE OF THE PETITIONER DATED 15.10.2003**
Exhibit P-4	**TRUE COPY OF THE DEGREE OF MASTER OF ARTS CERTIFICATE OF THE PETITIONER ISSUED BY THE UNIVERSITY OF KERALA DATED 07.06.2007**
Exhibit P-5	**TRUE COPY OF THE B.ED CERTIFICATE OF THE PETITIONER ISSUED BY THE UNIVERSITY OF CALICUT DATED 27.07.2013**
Exhibit P-6	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION DATED 04.07.2023 DECLARING THAT THE PETITIONER HAS PASSED THE TEST IN KE ACT AND RULES**
Exhibit P-7	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION DATED 04.07.2023**
Exhibit P-8	**TRUE COPY OF THE ORDER NO. K.K.D/E.D.N/523/2024/C.M (10) DATED 30.05.2024 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER**

Exhibit P-9	**TRUE COPY OF THE ORDER NO. D/797022/2024 DATED 24.03.2025 OF THE AEO, VARKKALA**
Exhibit P-10	**TRUE COPY OF DECISION REPORTED IN 2006 KHC 1495 DATED 28.09.2006 (MANAGER SNDP LP SCHOOL V. K.V ROY AND OTHERS)**
Exhibit P-11	**TRUE COPY OF JUDGMENT IN WA. NO. 1783/2009 DATED 30.08.2016**
Exhibit P-12	**TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT DATED 26.03.2025 (WITHOUT EXHIBITS)**
Exhibit P-13	**TRUE COPY OF THE G.O(RT) NO. 6742/2024/G.EDN DATED 01.10.2024**
Exhibit P-14	**TRUE COPY OF THE G.O(RT) NO. 1083/2024/G.EDN DATED 07.02.2024**