2025:KER:31238

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 15136 OF 2025

PETITIONER:

THE CORPORATE MANAGER (FR. SUNIL PUTHIYATTIL),
CORPORATE MANAGER OF ALL CSI SCHOOLS IN MALABAR AND WAYANAD, AGED 54 YEARS
S/O (LATE) DEVADAS PUTHIYATTIL, BANK ROAD,
KOZHIKODE DISTRICT, PIN – 673001.

BY ADVS.
V.A.MUHAMMED
M.SAJJAD

RESPONDENTS:

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

2 **THE DIRECTOR OF GENERAL EDUCATION**
(HIGHER SECONDARY) NEW BUILDING, ULLOOR LANE,
JAGATHY,THIRUVANANTHAPURAM, PIN – 695014.

3 THE DIRECTOR OF GENERAL EDUCATION
JAGATHY,THIRUVANANTHAPURAM, PIN – 695014.

4 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION, KUTTICHIRA, KOZHIKODE DISTRICT,
PIN – 673001.

5 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION, THAVAKKARA, KANNUR DISTRICT,
PIN – 67000.

6 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION, CIVIL STATION RD, UP HILL,
MALAPPURAM DISTRICT, PIN – 676505.

7 THE DEPUTY DIRECTOR OF EDUCATION
MANANCHIRA, KOZHIKODE DISTRICT, PIN – 673001.

8 THE DEPUTY DIRECTOR OF EDUCATION
CIVIL STATION PALAKKAD DISTRICT, PIN – 67800.

9 THE DEPUTY DIRECTOR OF EDUCATION
KALPETTA, WAYANAD DISTRICT, PIN – 673122.

10 THE DEPUTY DIRECTOR OF EDUCATION
DOWN HILL, MALAPPURAM DISTRICT, PIN – 676505.

11 THE DEPUTY DIRECTOR OF EDUCATION
PUZHATHI HOUSING COLONY KANNUR DISTRICT,
PIN – 670002.

12 THE DEPUTY DIRECTOR OF EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
KASARGODE DISTRICT, PIN – 67112.

13 THE DISTRICT EDUCATIONAL OFFICER
KALPETTA, WAYANAD DISTRICT, PIN – 673121.

14 THE DISTRICT EDUCATIONAL OFFICER
THALASSERY, KANNUR DISTRICT, PIN – 670101.

15 THE DISTRICT EDUCATIONAL OFFICER
TAZHEKKOD, KOZHIKODE DISTRICT, PIN – 673004.

16 THE DISTRICT EDUCATIONAL OFFICER
SANTHI NAGAR, PALAKKAD DISTRICT, PIN – 678014.

17 THE DISTRICT EDUCATIONAL OFFICER
TIRURANGADI, MALAPPURAM DISTRICT, PIN – 676306.

18 THE DISTRICT EDUCATIONAL OFFICER
VIDYANAGAR - ULIYATHADKA RD,
KASARAGOD DISTRICT, PIN – 671123.

19 THE DISTRICT EDUCATIONAL OFFICER
MINI CIVIL STATION, VADAKARA,
KOZHIKODE DISTRICT, PIN – 673101.

20 THE DISTRICT EDUCATIONAL OFFICER
MINI CIVIL STATION TIRUR,
MALAPPURM DISTRICT, PIN – 676101.

21 THE DISTRICT EDUCATIONAL OFFICER
OTTAPPALAM, PALAKKAD DISTRICT, PIN – 679101.

22 THE DISTRICT EDUCATIONAL OFFICER
THALIPARAMBA, KANNUR DISTRICT, PIN – 670141.

23 THE DISTRICT EDUCATIONAL OFFICER
CIVIL STATION, MALAPPURAM, DISTRICT,
PIN – 676505.

24 THE ASSISTANT EDUCATIONAL OFFICER
VYTHIRI, WAYANAD DISTRICT, PIN – 673576.

25 THE ASSISTANT EDUCATIONAL OFFICER
PAPPINISSERY, KANNUR DISTRICT, PIN – 670672.

26 THE ASSISTANT EDUCATIONAL OFFICER
KANNUR NORTH, PUZHATHI HOUSING COLONY,
KANNUR DISTRICT, PIN – 670002.

27 THE ASSISTANT EDUCATIONAL OFFICER
MATTANUR, KANNUR DISTRICT.

28 THE ASSISTANT EDUCATIONAL OFFICER
KUTHUPARAMBA, KANNUR DISTRICT,
PIN – 67063.

29 THE ASSISTANT EDUCATIONAL OFFICER
CHOMBALA, KOZHIKODE DISTRICT,
PIN – 673001.

30 THE ASSISTANT EDUCATIONAL OFFICER
CHEVAYUR, KOZHIKODE DISTRICT,
PIN – 673001.

31 THE ASSISTANT EDUCATIONAL OFFICER
KOZHIKODE CITY, KOZHKODE DISTRICT,
PIN – 673006.

32 THE ASSISTANT EDUCATIONAL OFFICER
FEROKE, KOZHKODE DISTRICT, PIN – 673631.

33 THE ASSISTANT EDUCATIONAL OFFICER
TIRUR, MALAPPURAM DISTRICT, PIN – 676304.

34 THE ASSISTANT EDUCATIONAL OFFICER
PONNANI, MALAPPURAM DISTRICT, PIN – 679576.

35 THE ASSISTANT EDUCATIONAL OFFICE
OTTAPALAM, PALAKKAD DISTRICT, PIN – 679101.

36 THE ASSISTANT EDUCATIONAL OFFICER
KOYILANDY, KOZHIKODE, DISTRICT, PIN – 673032.

37 THE ASSISTANT EDUCATIONAL OFFICER
PAYYANUR, KANNUR DISTRICT, PIN – 670307.

38 THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER
MADAYI, KANNUR DISTRICT, PIN – 670303.

39 THE ASSISTANT EDUCATIONAL OFFICER
THALIPARAMBA NORTH, KANNUR DISTRICT,
PIN – 670141.

40 THE ASSISTANT EDUCATIONAL OFFICER
VATAKARA, KOZHIKODE DISTRICT, PIN – 673101.

41 THE ASSISTANT EDUCATIONAL OFFICER
MANJERI, MALAPPURAM DISTRICT, PIN – 676517.

42 THE ASSISTANT EDUCATIONAL OFFICER
PARAPPANANGADI, MALAPPURAM DISTRICT,
PIN – 676303.

43 THE ASSISTANT EDUCATIONAL OFFICER
SHORNUR, PALAKKAD DISTRICT, PIN – 679122.

44 THE ASSISTANT EDUCATIONAL OFFICER
ALATHUR, PALAKKAD DISTRICT, PIN – 678506.

45 THE ASSISTANT EDUCATIONAL OFFICER
CHITTUR, PALAKKAD DISTRICT, PIN – 678101.

46 THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER
PALAKKAD DISTRICT, PIN – 678014.

BY ADV.SRI. V.VENUGOPAL, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 10th day of April, 2025

The petitioner is the Corporate Manager of the CSI Schools in Malabar and Wayanad.

2. The Rights of Persons with Disability Act, 2016 requires 4% reservation in appointments for differently abled hands. It is made applicable to the Aided Schools as well. The turn of appointments is also prescribed as 1, 26, 51, and 76 for differently abled hands. According to the petitioner, in compliance, the petitioner has set apart various posts for differently abled hands.

3. The petitioner states that it is evident from Exts.P3 to P9 that the petitioner has complied with the

requirements covered by Exts.P1 and P2. The Employment Exchange concerned is busy with processing of candidates for the posts contained in Exts.P3 to P9. Yet, other appointments effected by the petitioner as against regular posts under the Management are not processed by the Educational Officer for want of physical induction of qualified differently abled hands for the posts covered by Exts.P3 to P9. A number of appointments effected by the petitioner under the Management are pending approval.

4. In similar circumstances, the NSS Management moved the Hon'ble Apex Court and got Order dated 04.03.2025. Consequently, Government issued Order dated 17.03.2025. But it would appear that Ext.P11 is applicable only in respect of the Schools under the NSS Management. In fairness, the benefits flowing from Exts.P10 and P11 ought to have been made applicable in respect of the

appointments under the Managements that are similarly situated.

5. This Court in **Central Finance and Investments and another v. Secretary, Kothamangalam Municipality and others** [2021 (6) KHC 59], has held that a judgment would be of binding nature for administrative and quasi-judicial authorities. In **Somukuttan Nair v. State of Kerala** [1997 KHC 114], it has been held that when the Supreme Court as well as this Court successively upheld the claims of the persons like the petitioners who did not approach the Courts for the redressal of their grievances, there is absolutely no justification for the Government to deny all the consequential benefits as declared by the Hon'ble Supreme Court to the petitioners. In the light of the aforesaid judgments, the benefits flowing from Exts.P10 and P11 cannot be denied to the petitioner. In such circumstances, the petitioner

has moved the Government with representation dated 27.03.2025.

6. I have heard the learned Counsel for the petitioner and the learned Government Pleader representing the respondents.

7. Government Pleader submits that whether Exts.P10 and P11 can be extended to the petitioner is a legal question that will be arising while considering the representation.

8. The approval to the Teachers appointed by the petitioner was not granted on regular basis on the ground that Persons with Disabilities were not properly accommodated as per reservation entitlement. Now that this Court has passed Ext.P13, the issue has to be relooked by the respondents.

In the afore facts of the case, the writ petition is disposed of directing the 1st respondent to consider Ext.P15

representation submitted by the petitioner taking note of Exts.P3 to P14 and take appropriate decision thereon within a period of four months.

Sd/-
N. NAGARESH
JUDGE

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APPENDIX OF WP(C) 15136/2025

PETITIONER EXHIBITS

Exhibit P-1	**TRUE COPY OF THE G.O.(P).NO.12/2019/SJD DATED 31.10.2019**
Exhibit P-2	**TRUE COPY OF THEG.O.(MS.).NO.111/2022/GEDN DATED 25.06.2022**
Exhibit P-3	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF HST (KANNADA)**
Exhibit P-3(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 22.06.2023**
Exhibit P-4	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF LPST**
Exhibit P-4(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 22.06.2023**
Exhibit P-5	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF UPST**
Exhibit P-5(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 22.06.2023**
Exhibit P-6	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF HSST JR. ECONOMICS**
Exhibit P-6(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 09.06.2023**
Exhibit P-7	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF HSST JR MATHEMATICS DATED 08.06.2023**

Exhibit P-7(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 09.06.2023**
Exhibit P-8	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF HSST HISTORY DATED 08.06.2023**
Exhibit P-8(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 09.06.2023**
Exhibit P-9	**TRUE COPY OF THE REQUISITION WITH REGARD TO THE POST OF HSST JUNIOR BOTANY DATED 08.06.2023**
Exhibit P-9(a)	**TRUE COPY OF THE ACKNOWLEDGMENT DATED 09.06.2023**
Exhibit P-10	**TRUE COPY OF THE ORDER IN CIVIL APPEAL NO.SLP NO.11373/2024 DATED 04.03.2025**
Exhibit P-11	**TRUE COPY OF THE G.O.(MS.) NO.43/2025/GEDN DATED 17.03.2025**
Exhibit P-12	**TRUE COPY OF THE DECISION REPORTED IN 2021 (6) KHC 59 (CENTRAL FINANCE & INVESTMENTS AND ANOTHER V. SECRETARY, KOTHAMANGNALAM MUNICIPALITY AND OTHERS)DATED 01.10.2021**
Exhibit P-13	**TRUE COPY OF THE DECISION REPORTED IN 1997 KHC 114(SOMUKUTTAN NAIR V. STATE OF KERALA) DATED 18.02.1997**
Exhibit P-14	**TRUE COPY OF THE G.O.(MS.)NO.101/2023/GEDN DATED 18.07.2023**
Exhibit P-15	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT DATED 27.03.2025**