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. 15483 OF 2025

PETITIONERS:

1 MUHAMMED SHAREEF T
AGED 33 YEARS
HST (PHYSICAL SCIENCE)
ALFAROOKHIA HSS, CHERANALLOOR
S/O ABDULLA T, RESIDING AT THATHOOR (H),
THATHOOR POYIL,MAVOOR(PO),
KOZHIKODE, PIN - 673661

2 RATHY T A
AGED 47 YEARS
HST (HINDI)
MARKAS GIRLS HSS KARANTHUR
W/O AJITH KUMAR N RESIDING AT
EDAKKANDIYIL,NARIKKUNI,
KOZHIKODE, PIN - 673585

3 SHABANA ABDULLA
AGED 36 YEARS
HST(NATURAL SCIENCE) AL- FAROOKHIA HSS
CHERANELLOOR D/O P A ABDULLA
RESIDING AT KARIVELLIL(H),MANNAMTHURUTH,
VARAPUZHA, ERNAKULAM, PIN - 683517

4 MUHAMAD ABOOBACKER, AGED 27 YEARS
HST ARABIC(ADDITIONAL) FATHIMABI MEMORIAL HSS
KOOMBARA S/O ABDULLA
RESIDING AT VADAKKEMANNIL(H),
VETTIOZHINHATHOTTAM, KATTIPPARA(PO),
KOZHIKODE, PIN - 673573

5 NUSRATH BEEVI A
AGED 35 YEARS
HST (MATHEMATICS) MARKAS GIRLS HSS KARANTHUR
D/O ABDUL LATHEEF THANGAL
RESIDING AT AVELATH (H)
UNNIKULAM (PO),KOZHIKODE, PIN - 673574

6 MAJIDA P P
AGED 33 YEARS
HST PHYSICAL SCIENCE FATHIMABI MEMORIAL HSS
KOOMBARA D/O ABDUL MAJEED HAJI
RESIDING AT VELLAPRACHALIL(H)
KUTHIRADAM MAVOOR (PO), KOZHIKODE, PIN - 673661

7 SAFAR AMEENA HAKKIM
AGED 33 YEARS
HST (MALAYALAM) MARKAZ BOYS HSS KARANTHUR
D/O A ABDUL HAKKIM
RESIDING AT KADAYIL BUNGKOW,KOCHU PARAMPIL(H)
KOTTUKULANGARA,KAYAMKULAM(PO)
ALAPPUZHA, PIN - 690502

8 AHMED AMEEN C
AGED 29 YEARS
HST(ARABIC) MARKAZ BOYS HSS KARANTHUR
S/O ABDUL RAZAK C RESIDING AT CHALIL(H)
PANNUR KIZHAKKOTH(PO) KOZHIKODE, PIN - 673572

9 RASHA FATHIMA A K
AGED 33 YEARS
HST(BIOLOGY) MARKAZ BOYS HSS KARANTHUR
D/O ABDUL RAZAK A K
RESIDING AT RASHA’S
KARIMBAYIL(H),KODUVALLY(PO),
KOZHIKODE, PIN - 673572

10 RUBIDA N P
AGED 33 YEARS
UPPER PRIMARY SCHOOL TEACHER MARKAZ BOYS HSS

**KARANTHUR D/O MUHAMMED ABBAS NP
RESIDING AT NOCHIPPARAMBATH(H),
PANNIKOTOOR(PO), KOZHIKODE, PIN - 673572**

**11 MIRSHAD ALI K V
AGED 30 YEARS
MARKAZ BOYS HSS KARANTHUR
S/O MUHAMMED K V
RESIDING AT KALLUVEETTIL(H), ATTUSTHALAM,
THAMARASSERY(PO) KOZHIKODE, PIN - 673573**

**12 ABDUL VAHID O P
AGED 34 YEARS
UPPER PRIMARY SCHOOL TEACHER MARKAZ BOYS HSS
KARANTHUR, S/O ISMAIL O P
RESIDING AT ODUPARAKKAPOYIL (H)
NARIKKUNI (PO) CALICUT, PIN - 673585**

**13 SHAMNA P
AGED 33 YEARS
UPPER PRIMARY SHOOL TEACHER FATHIMABI MEMORIAL
HSS KOOMBARA, D/O MAMMED P
RESIDING AT PANDIKASALA(H),
MYSORMALA(PO), KOZHIKODE, PIN - 673602**

**14 MUHAMMED KABEER P K
AGED 38 YEARS
UPPER PRIMARY SCHOOL TEACHER FATHIMABI MEMORIAL
HSS KOOMBARA, S/O CHEKKUNHI P K
RESIDING AT PENAM KUNNATH (H),
KARUVAMPOYIL(PO),KOZHIKODE, PIN - 673572**

**BY ADVS.
M.A.FAYAZ
M.VISHNUPRIYA
C.B.ABHINAVA**

RESPONDENTS:

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

2 DIRECTOR OF GENERAL EDUCATION
O/O THE DIRECTOR OF GENERAL EDUCATION
JAGATHI, THIRUVANANTHAPURAM, PIN - 695014

3 DISTRICT EDUCATIONAL OFFICER
O/O THE DISTRICT EDUCATIONAL OFFICER
ERNAKULAM, PIN - 682011

4 DISTRICT EDUCATIONAL OFFICER
O/O THE DISTRICT EDUCATIONAL OFFICER
THAMARASSERY KOZHIKODE, PIN - 673573

5 SUB REGIONAL EMPLOYMENT OFFICER
SPECIAL EMPLOYMENT EXCHANGE FOR THE DIFFERENTLY
ABLED CIVIL STATION KAKKANAD, PIN - 682030

6 SUB REGIONAL EMPLOYMENT OFFICER
SPECIAL EMPLOYMENT EXCHANGE FOR THE DIFFERENTLY
ABLED CIVIL STATION KOZHIKODE, PIN - 673020

7 CORPORATE MANAGER
CORPORATE EDUCATIONAL AGENCY
KARANTHUR KOZHIKODE, PIN - 673561

BY ADV. SMT. ANIMA M., GOVERNMENT PLEADER

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

JUDGMENT

Dated this the 10th day of April, 2025

Petitioners 1, 2 and 10 to 14 were appointed as HSTs and UPSTs under the 7th respondent-Corporate Manager. Approval was granted to their appointments on regular pay scale, but on provisional basis. Petitioners 3 to 9 were appointed on daily wage basis. The petitioners would submit that approval on regular basis was not granted to all the petitioners alleging that the PwD candidates were not appointed against the reservation points.

2. The petitioners would submit that the Corporate Manager has appointed one physically disabled candidate as per Ext.P13. Furthermore, for the post of HST (Hindi) and HST (Physical Science), the Corporate Manager has submitted requisition to the Employment Exchange and

the Employment Exchange could not sponsor any candidate in view of non-availability of qualified physically disabled persons.

3. Exts.P31 and P32 are the non-availability certificate. The Corporate Manager submitted fresh requisition again, for sponsoring PwD candidates, which is evident from Exts.P33 to P35. Still the Employment Exchange could not sponsor any eligible qualified candidate.

4. The petitioners would submit that the issue came up for consideration before the Hon'ble Apex Court and the Apex Court has passed Ext.P36 order making it clear that if sufficient vacancies are earmarked for PwD candidates, then the regular appointments can be made and approved on regular basis, in respect of other vacancies. The prayer of the petitioners is to consider the issue of approval of the petitioners on regular basis in the pay scale in the light of

Ext.P36 order of the Hon'ble Apex Court.

5. Government Pleader entered appearance and resisted the writ petition. The Government Pleader pointed out that there may be other shortfalls / defects in the appointments of the petitioners. Therefore, a direction to grant appointment on permanent basis cannot be given in this writ petition. Educational Authorities will have to consider individual claims made, on the basis of Ext.P36 order and other attendant circumstances.

6. I have heard the learned counsel for the petitioners and the learned Government Pleader representing respondents 1 to 6.

7. Petitioners 1, 2 and 10 to 14 were granted appointment on pay scale on provisional basis, which would indicate that the appointments are otherwise in order. As far

as petitioners 3 to 9 are concerned, their claim for regular appointment has to be considered in the light of Ext.P36 order of the Hon'ble Apex Court and other factors relevant for appointments.

8. In the circumstances, the writ petition is disposed of with the following directions to the respondents:

(i) Respondents 3 and 4 are directed to consider the case of approval of petitioners 1, 2 and 10 to 14 in the light of Ext.P36 order of the Hon'ble Apex Court, Ext.P37 Government Order and Ext.P40 judgment of this Court. Orders in this regard shall be passed within a period of two months.

(ii) As far as approval of petitioners 3 to 9 are concerned, the 1st respondent is directed to

consider Ext.P39 Revision Petition and pass appropriate orders thereon, within a period of four months, adverting to Exts.P32 to P37.

Sd/-

N.NAGARESH

JUDGE

spk

APPENDIX OF WP(C) 15483/2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPIES OF THE MINORITY CERTIFICATES ISSUED TO THE SCHOOLS UNDER THE 7TH RESPONDENT MANAGEMENT DATED 28.01.2009 AND 05.05.2009**
Exhibit P2	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 7TH RESPONDENT IN RESPECT OF THE 1ST PETITIONER DATED 15.09.2021**
Exhibit P3	**TRUE COPY OF ORDER NO.B5/50739/2023 DATED 02.11.2023 ISSUED BY THE 3RD RESPONDENT**
Exhibit P4	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 5TH RESPONDENT IN RESPECT OF THE 2ND PETITIONER DATED 15.11.2011**
Exhibit P5	**TRUE COPY OF ORDER NO.B1/51109/2023 DATED 06.08.2023 ISSUED BY THE 4TH RESPONDENT**
Exhibit P6	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 3RD PETITIONER DATED 01.07.2022**
Exhibit P7	**TRUE COPY OF THE PROCEEDINGS NO.B5/39293/2022 DATED 08.11.2023 ISSUED BY THE 3RD RESPONDENT**
Exhibit P8	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 4TH PETITIONER DATED 20.11.2023**

Exhibit P9	**TRUE COPY OF ORDER NO.A4/56996/2023 DATED 25.06.2024 ISSUED BY THE 4TH RESPONDENT**
Exhibit P10	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 5TH PETITIONER DATED 01.07.2022**
Exhibit P11	**TRUE COPY OF THE ORDER NO.B1/5114/2023 DATED 14.08.2023 ISSUED BY THE 4TH RESPONDENT**
Exhibit P12	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 6TH PETITIONER DATED 16.10.2023**
Exhibit P13	**TRUE COPY OF ORDER NO.A4/55275/2023 DATED 05.02.2024 ISSUED BY THE 4TH RESPONDENT**
Exhibit P14	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 7TH PETITIONER DATED 23.06.2022**
Exhibit P15	**TRUE COPY OF THE ORDER NO.B1/51020/2023 DATED 22.07.2023**
Exhibit P16	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 8TH PETITIONER DATED 02.06.2023**
Exhibit P17	**TRUE COPY OF ORDER NO.B1/799023/2024 DATED 11.02.2025**
Exhibit P18	**TRUE COPY OF THE APPOINTMENT ISSUED IN RESPECT OF THE 9TH PETITIONER DATED 01.11.2022**

Exhibit P19	**TRUE COPY OF THE PROCEEDINGS NO.B1/51115/2023 DATED 06.08.2023 ISSUED BY THE 4TH RESPONDENT**
Exhibit P20	**TRUE COPY OF APPOINTMENT ORDER ISSUED IN RESPECT OF THE 10TH PETITIONER DATED 19.07.2021**
Exhibit P21	**TRUE COPY OF THE PROCEEDINGS NO.B1/45843/2023 DATED 30.06.2023 ISSUED BY THE 4TH RESPONDENT**
Exhibit P22	**TRUE COPY OF APPOINTMENT ORDER ISSUED IN RESPECT OF THE 11TH PETITIONER DATED 16.07.2021**
Exhibit P23	**TRUE COPY OF THE PROCEEDINGS NO.B1/45841/2023 DATED 30.06.2023**
Exhibit P24	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE TWELFTH PETITIONER DATED 19.07.2021**
Exhibit P25	**TRUE COPY OF ORDER NO.B1/45842/2023 DATED 30.06.2023**
Exhibit P26	**TRUE COPY OF APPOINTMENT ORDER DATED 15.07.2021**
Exhibit P27	**TRUE COPY OF THE ORDER NO.A4/50356/2023 DATED 24.07.2023 ISSUED BY THE 4TH RESPONDENT**
Exhibit P28	**TRUE COPY OF THE APPOINTMENT ORDER ISSUED IN RESPECT OF THE 14TH PETITIONER DATED 15.07.2021**

Exhibit P29	**TRUE COPY OF THE ORDER NO A4/50355/2023 DATED 24.07.2023 ISSUED BY THE 4TH RESPONDENT**
Exhibit P30	**TRUE COPY OF THE ORDER NO.B1/761103/2024 DATED 27.01.2025 ISSUED BY THE 4TH RESPONDENT**
Exhibit P31	**TRUE COPY OF LETTER DATED 27.12.2023 ISSUED BY THE 5TH RESPONDENT**
Exhibit P32	**TRUE COPY OF LETTER NO.SEEPH-KZD/194/2023-B1 DATED 25.10.2024 ISSUED BY THE 6TH RESPONDENT**
Exhibit P33	**TRUE COPY OF THE RELEVANT EXTRACT OF THE REQUISITION MADE BY THE 7TH RESPONDENT FOR THE POSTS OF HST (PHYSICAL SCIENCE) AND HST (HINDI)**
Exhibit P34	**TRUE COPY OF LETTER NO.MAS1/2023 DATED 20.11.2024 ADDRESSED TO THE 5TH RESPONDENT**
Exhibit P35	**TRUE COPY OF LETTER NO.MAS01/2023 DATED 20.11.2024 ADDRESSED TO THE 6TH RESPONDENT**
Exhibit P36	**TRUE COPY OF THE JUDGMENT IN SLP (C)NO.11373/2024 DATED 04.03.2025**
Exhibit P37	**TRUE COPY OF G.O(MS)NO 43/2025/G.EDN DATED 17.03.2025**
Exhibit P38	**TRUE COPY OF THE JUDGMENT IN W.P(C)NO.5651/2025 DATED 18.03.2025**

Exhibit P39	**TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 24.03.2025**
Exhibit P40	**TRUE COPY OF THE JUDGMENT IN W.P(C)NO 44138/2024 DATED 27.02.2025**