IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

WP(C) NO. 31694 OF 2024

PETITIONERS:

1 FEBIN XAVIER P.F
LPST, ST.PETER'S LPS, KUMBALANGY,
ERNAKULAM DISTRICT, PIN - 682007

2 DEEPA MARY.A.F
UPST, ST.SEBASTIAN'S HIGHER SECONDARY SCHOOL,
PALLURUTHY, ERNAKULAM DISTRICT, PIN - 682005

3 NEETHU VINCENT.K.V
UPST, ST.SEBASTIAN'S HIGHER SECONDARY SCHOOL
PALLURUTHY, ERNAKULAM DISTRICT, PIN - 682005

4 MARY ANJU K. ANTONY
LPST, SANTHA CRUZ L.P.SCHOOL, FORT KOCHI,
ERNAKULAM DISTRICT, PIN - 682001

5 SUSA M.V
LPST, ST.ANTONY'S L.P.SCHOOL, KANNAMALI,
ERNAKULAM DISTRICT, PIN - 682008

6 ROHINI XAVIER
LPST, ST.SEBASTIAN'S LP SCHOOL,
PALLURUTHY, ERNAKULAM DISTRICT,
PIN - 682005

7 JINCY JOSEPH
UPST, ST.PETER'S HIGHER SECONDARY SCHOOL,
KUMBALANGHI, ERNAKULAM DISTRICT,
PIN - 682007

8 LINI T.S
UPST, ST.PETER’S HIGHER SECONDARY SCHOOL,
KUMBALANGHI, ERNAKULAM DISTRICT, PIN - 682007

9 JESNA K. SEBASTIAN
HST (PHYSICAL SCIENCE), SANTA CRUZ H.S.S,
FORT KOCHI, ERNAKULAM DISTRICT, PIN - 682001

10 MEPHIN STANLEY
LPST, ST.PETER’S LPS, KUMBALANGHI, ERNAKULAM
DISTRICT, PIN - 682007

11 JASMIN P.O
LPST, ST.GEORGE’S LP SCHOOL, PAZHANGAD,
KUMBALANGHI, ERNAKULAM DISTRICT, PIN - 682007

12 AUGUSTINE JUSTINE C.J,
HST (DRAWING TEACHER-ART EDUCATION)
ST.GEORGE’S HIGH SCHOOL, THANKEY,
ALAPPUZHA DISTRICT, PIN - 688529

13 SHERIN ELZABETH.A
UPST, ST.GEORGE’S HIGH SCHOOL, THANKEY,
ALAPPUZHA DISTRICT, PIN - 688529

14 JOJI T.G
JLT (HINDI), ST.GEORGE’S HIGH SCHOOL,
THANKEY, ALAPPUZHA DISTRICT, PIN - 688529

15 LINIJA JAMES
UPST, ST.GEORGE’S HIGH SCHOOL, THANKEY,
ALAPPUZHA DISTRICT, PIN - 688529

16 LAYA JOHN.V
L.G. HINDI, ST.MARY’S HIGH SCHOOL,
CHELLANAM, ERNAKULAM DISTRICT, PIN - 682005

17 BINZY JACOB
HST (PHYSICAL SCIENCE),
ST.GEORGE'S HIGH SCHOOL, THANKEY,
ALAPPUZHA DISTRICT, PIN - 688529

18 GEORGE JENEESH P.A,
LPST, ST.GEORGE'S L.P.SCHOOL, PAZHANGAD,
KUMBALANGHI, ERNAKULAM DISTRICT, PIN - 682007

19 JOSLIN CHRISTUS V.J
HST (NATURAL SCIENCE) ST.MARY'S HIGH SCHOOL,
CHELLANAM, ERNAKULAM DISTRICT, PIN - 682008

20 RINCEY ANTONY
LPST, ST.LOUIS LP SCHOOL, MUNDAMVELI,
ERNAKULAM, PIN - 682507

21 SUMI HARSHAL
UPST, SANTA CRIZ H.S.S, FORT KOCHI,
ERNAKULAM DISTRICT, PIN - 682001

22 MATHEW K.V
LPST, ST.GEORGE'S L.P.SCHOOL, PAZHANGAD,
KUMBALANGHI, ERNAKULAM DISTRICT, PIN - 682007

23 REMYA K.M
LPST, ST.AUGUSTINE'S L.P. SCHOOL,
AROOR, ALAPPUZHA, PIN - 688534

24 ANNIE RINCY A.G
LPST, ST.AUGUSTINE'S LPS. AROOR,
ALAPPUZHA DISTRICT, PIN - 688534

25 NITHYA STEPHEN.A
LPST, SANTA CRUZ H.S.S, FORT KOCHI,
ERNAKULAM DISTRICT, PIN - 682001

26 DYNA CELIN K.M,
HST, ST.PETER'S HIGHER SECONDARY SCHOOL,
KUMBALANGHI, ERNAKULAM DISTRICT, PIN - 682007

27 SHINY T.D
UPST. SANTACRUZ HIGHER SECONDARY SCHOOL,
FORT KOCHI, ERNAKULAM DISTRICT, PIN - 682001

28 SARITHA.T
UPST, ST.PETER’S HIGHER SECONDARY SCHOOL,
KUMBALANGHY, ERNAKULAM DISTRICT, PIN - 682007

29 ROSE JESMI P.S
LPST, ST.SEBASTIAN’S LP SCHOOL,
PALLURUTHY, ERNAKULAM, PIN - 682005

30 TRESA REMYA ANTONY
UPST, ST.PETER’S HIGHER SECONDARY SCHOOL,
KUMBALANGHY, ERNAKULAM DISTRICT, PIN - 682007

BY ADVS.
M.R.ANISON
P.A.RINUSA
ANNIE JACOB

RESPONDENTS:

1 STATE OF KERALA
REP.BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM, PIN - 695001

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

3 THE DISTRICT EDUCATIONAL OFFICER
ERNAKULAM, PIN - 686691

4 THE DISTRICT EDUCATIONAL OFFICER
CHERTHALA, PIN - 688524

**5 THE ASSISTANT EDUCATIONAL OFFICER
MATTANCHERRY, ERNAKULAM, PIN - 682002**

**6 THE ASSISTANT EDUCATIONAL OFFICER
THURAVOOR, ALAPPUZHA DISTRICT, PIN - 688532**

**7 THE CORPORATE MANAGER
CORPORATE EDUCATIONAL AGENCY,
DIOCESE OF COCHIN, CATHOLIC CENTRE,
THOPPUMPADY,COCHIN, PIN - 682005**

BY ADV. SRI. TONY AUGUSTINE, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 3rd day of April, 2025

The petitioners, who are Teachers appointed in Aided Schools, filed this writ petition seeking the following reliefs:

> (a) To issue a writ of certiorari or other appropriate writ order or direction to quash Exts.P32 and P33 order / circular to the extent of imposing the condition that, only after appointing or approving the appointment of differently abled candidates in the entire backlog vacancies reserved for them, the teachers appointed after 18.11.2018 are entitled for regular appointment and their service benefits, attached to regular post, since such conditions will have the effect of violating petitioners' fundamental right under Article 14,16 and 21 of the Constitution.
>
> (b) Issue a writ of mandamus or other appropriate order or direction, directing respondents 3 to 6 to approve the appointment of the petitioners on regular time scale of pay in the 7th respondent's school with effect from the very first date of their appointments in their respective posts.
>
> (c) Issue a writ of mandamus or other appropriate order or direction, directing the respondents to sanction and disburse the entire arrears of salary and other service benefits due to the petitioners in the regular scale of pay in the 7th respondent's school from the respective dates of their initial appointments in the 7th respondent's school.

> (d) To declare that, applying the relevant provisions of the Kerala Education Rules, Exts.P32 and P33 orders to the extent of not approving petitioners' appointments in the respective posts on regular time scale of pay with effect from the very first date of their appointments to that posts are invalid in the eye of law.

2. When this writ petition came up for hearing today, counsel for the petitioners submitted that the Hon'ble Apex Court has considered the issue in SLP(C) No.11373 of 2024 wherein, the Hon'ble Apex Court has permitted to fill up the vacancies except the seats which are reserved for Persons with Disabilities.

3. In Ext.P35 order, the Hon’ble Apex Court has further ordered that on appointments being made and the proposals for regularisation being submitted to the State Government, the State Government shall decide the same expeditiously. From Ext.P36 Government Order dated 17.03.2025, it is seen that the Government has passed consequential order also.

In view of the afore developments, the writ petition is disposed of directing the 1st respondent to consider / reconsider the issue of grant of approval to the appointment of the petitioners on regular basis in the light of Ext.P35 and Ext.P36 order of the Government. Orders shall be passed within a period of two months.

Sd/-

N.NAGARESH

JUDGE

spk

APPENDIX OF WP(C) 31694/2024

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF G.O.(MS) NO.111/2022/ G.EDN. DATED 25.06.2022**
Exhibit P2	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54100/2023 DATED 16.12.2023 ISSUED BY THE 5TH RESPONDENT TO THE 1ST PETITIONER**
Exhibit P3	**TRUE COPY OF APPROVAL ORDER BEARING NO.B3/35512/2022 DATED 26.02.2024 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER**
Exhibit P4	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/35954/2022 DATED 07.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 3RD PETITIONER**
Exhibit P5	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/48680/2023 DATED 11.01.2024 ISSUED BY THE 5TH RESPONDENT TO THE 4TH PETITIONER.**
Exhibit P6	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/48689/2023 DATED 11.01.2024 ISSUED BY THE 5TH RESPONDENT TO THE 5TH PETITIONER**
Exhibit P7	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54102/2023 DATED 28.11.2023 ISSUED BY THE 5TH RESPONDENT TO THE 6TH PETITIONER.**
Exhibit P8	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/35515/2022 DATED**

	11.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 7TH PETITIONER
Exhibit P9	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/35505/2022 DATED 11.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 8TH PETITIONER**
Exhibit P10	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/49508/2023 DATED 04.06.2024 ISSUED BY THE 5TH RESPONDENT TO THE 9TH PETITIONER**
Exhibit P11	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54099/2023 DATED 16.12.2023 ISSUED BY THE 5TH RESPONDENT TO THE 10TH PETITIONER**
Exhibit P12	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54101/2023 DATED 03.11.2023 ISSUED BY THE 5TH RESPONDENT TO THE 11TH PETITIONER.**
Exhibit P13	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B5/47929/2023 DATED 20.07.2024 ISSUED BY THE 4TH RESPONDENT TO THE 12TH PETITIONER**
Exhibit P14	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B5/35491/2022 DATED 13.06.2024 ISSUED BY THE 4TH RESPONDENT TO THE 13TH PETITIONER**
Exhibit P15	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B5/38506/2022 DATED 21.06.2024 ISSUED BY THE 4TH RESPONDENT TO THE 14TH PETITIONER**
Exhibit P16	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B5/138104/2023 DATED**

	10.07.2024 ISSUED BY THE 4TH RESPONDENT TO THE 15TH PETITIONER.
Exhibit P17	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/38569/2022 DATED 11.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 16TH PETITIONER**
Exhibit P18	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B5/35562/2022 DATED 31.05.2024 ISSUED BY THE 4TH RESPONDENT TO THE 17TH PETITIONER**
Exhibit P19	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54103/2023 DATED 03.11.2023 ISSUED BY THE 5TH RESPONDENT TO THE 18TH PETITIONER**
Exhibit P20	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/35942/2022 DATED 11.04.2024 ISSUED BY THE 3RD RESPONDENT TO THE 19TH PETITIONER**
Exhibit P21	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54104/2023 DATED 03.11.2023 ISSUED BY THE 5TH RESPONDENT TO THE 20TH PETITIONER**
Exhibit P22	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/46963/2023 DATED 22.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 21ST PETITIONER.**
Exhibit P23	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54096/2023 DATED 03.11.2023 ISSUED BY THE 5TH RESPONDENT TO THE 22ND PETITIONER.**
Exhibit P24	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.C/49323/2023 DATED**

	25.03.2024 ISSUED BY THE 6TH RESPONDENT TO THE 23RD PETITIONER
Exhibit P25	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.C/30149/2022/K.DIS DATED 25.07.2023 ISSUED BY THE 6TH RESPONDENT TO THE 24TH PETITIONER**
Exhibit P26	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/48691/2023 DATED 04.01.2024 ISSUED BY THE 5TH RESPONDENT TO THE 25TH PETITIONER**
Exhibit P27	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/55394/2023 DATED 09.07.2024 ISSUED BY THE 3RD RESPONDENT TO THE 26TH PETITIONER.**
Exhibit P28	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/49492/2023 DATED 22.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 27TH PETITIONER**
Exhibit P29	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B3/46973/2023 DATED 22.03.2024 ISSUED BY THE 3RD RESPONDENT TO THE 28TH PETITIONER**
Exhibit P30	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.E/54095/2023 DATED 02.12.2023 ISSUED BY THE 5TH RESPONDENT TO THE 29TH PETITIONER.**
Exhibit P31	**TRUE COPY OF THE APPROVAL ORDER BEARING NO.B5/38470/2022 DATED 09.08.2024 ISSUED BY THE 4TH RESPONDENT TO THE 30TH PETITIONER**
Exhibit P32	**TRUE COPY OF G.O.(MS) NO.29/2023/GEDN DATED 24.03.2023 ISSUED BY THE 1ST**

RESPONDENT

Exhibit P33	**TRUE COPY OF THE CIRCULAR NO.H2/295299/2022/D.G.E. DATED 31.03.2023 ISSUED BY THE 2ND RESPONDENT**
Exhibit P34	**TRUE COPY OF THE SALARY SLIP OF A TEACHER WORKING IN AN AIDED SCHOOL ON A REGULAR BASIS IN JUNE, 2024.**
Exhibit P35	**TRUE COPY OF THE ORDER DATED 04.03.2025 IN SLP(C) NO.11373/2024 PASSED BY THE HON'BLE SUPREME COURT**
Exhibit P36	**TRUE COPY OF THE ORDER BEARING G.O. (MS)NO.43/2025/GEDN, DATED 17.03.2025 ISSUED BY THE 1ST RESPONDENT**
Exhibit P37	**TRUE COPY OF THE JUDGMENT DATED 18.03.2025 IN W.P.(C)NO.5651/2025**