



GOVERNMENT OF KERALA

Abstract

General Education Department- compliance of Judgment dated.3/12/10 in WP (C) 6298/2010 filed by Smt.R.Shaila and others-regularisation of school teachers under Local Self Government-extending the benefit of educational package to panchayat school teachers- sanctioned -orders issued.

GENERAL EDUCATION (J) DEPARTMENT

G.O (MS) No. 35/12/G.Edn Thiruvananthapuram, Dated: 07/02/2012

- Read:-
- (1) G.O (P) No. 225/09/G.Edn. dated: 21/11/09.
  - (2) Judgment dated 3/12/10 in WP (C) 6298/10 filed before Hon'ble High Court.
  - (3) Representation dated, 6/01/2010 by Smt.R.Shaila and others.
  - (4) G.O (P) 199/11/G.Edn. dated 1/10/11.

ORDER

The Hon'ble High Court in its judgment dated 3/12/10 in WP (C) No. 6298/10 filed by Smt. R.Shaila, Smt.Mini.N.Nair, Smt.Siji.E.K & Smt.Sobha.T Krishnan had directed Government to dispose of Ext.P7 representation, after hearing the petitioners within a period of 3 months from the date of receipt of a copy of the judgment.

The petitioners were provisionally working as LPSAs and part time language teachers (Hindi) in Panchayat schools. All the above appointments were approved by the Assistant Educational Officer, Kalluorkad. But the petitioners were terminated from service in terms of G.O (MS) 218/95/LAD dated 6/10/95 and G.O (P) No. 110/2000/G.Edn. dated. 3/4/2000, by which the appointments in schools under local bodies were entrusted to Kerala Public Service Commission. The judgment of the Division Bench of Hon'ble High Court also laid down that the appointments obtained on temporary basis in the schools under local bodies have no claim under Rule 51 A. subsequently, in pursuance to Hon'ble Supreme Court directions, Government considered the matter with humanitarian concern and issued orders vide GO (MS) No. 225/09/G.Edn. dated 21/11/2009 regularising the service of 85 provisional teachers of the school under local self Governments,

who were still continuing in the schools. But the service of the petitioners who were not allowed to continue in the school by the managers on the strength of the High Court Judgment was not included in the Government Order. The Petitioners have therefore requested to extend the benefit contemplated in G.O (MS) 225/09/G.Edn. dated, 21/11/09 to the petitioners also.

The petitioners were heard in person on 13/12/11 as directed in the judgment read as 2<sup>nd</sup> paper above. The counsel for the petitioners pointed out that some panchayath secretaries retained the temporary teachers in their schools even after the common judgment of the Hon'ble High Court whereas some others did not allow the temporary teachers to continue in their schools based on the judgment.

The matter was examined in detail with reference to the relevant rules and orders, report of Assistant Educational Officer, Kalloorkad and the arguments put forward by the petitioners during hearing. The schools under local bodies were having the status of aided schools. As per G.O (MS) No.218/95/G.Edn. dated 6/10/95, Government issued orders, entrusting the appointments of teachers in the schools under Local bodies to Kerala Public Service Commission.

The petitioners continued in the schools, even after entrusting the appointments of school teachers under local bodies to Kerala Public Service Commission, on the ground that they are 51 A claimants. But consequent to the Judgment of Hon'ble High Court that the appointments obtained on temporary basis in the schools under local self Governments have no claim under Rule 51 A, the Manager's of the petitioner's schools terminated them from service. Subsequently, in pursuance to Hon'ble Supreme Court directions to consider the matter with humanitarian concern, Government issued orders as per G.O read as first paper above, regularising those temporary teachers of schools under local bodies appointed after 6/10/1995, ie after entrusting the appointments to Kerala Public Service Commission and who were continuing in the schools at the time of issuance of the Government Order. But the regularization was limited to those 85 teachers included in the list appended to the Government Order read as 1<sup>st</sup> paper

above. The petitioners were not included in the list, as they got retrenched from the schools based on the judgment of the Division Bench of Hon'ble High Court even before the issuance of the Government Order. The 85 teachers who are included in the list are those who were allowed by the managers to continue in the school, even after the judgment of the High Court. Hence the petitioners are in no way responsible for their retrenchment, and till their retrenchment, they were also working in the schools like the teachers included in the list. The Assistant Educational Officer, Kallorkad has reported that the petitioner have worked in the Grama Panchayath Schools being managed by Secretary Ayavana Grama Panchayat and Secretary Kallorkad Grama Panchayath. They were initially appointed on the basis of a selection conducted by a high power committee consisting of Deputy Director of Education, Ernakulam and Deputy Director (Panchayath) Ernakulam. Their names were advised by employment exchange and they were selected after a due selection process. The said selection and appointment were in accordance with the provisions contained in the Kerala Panchayath (Education) Rule 1964 read with Rule 1 (3) chapter XIV A KER that existed at the time of the said selection. Kerala Public Service Commission also had agreed to regularise those temporary teachers who were appointed in the schools under local bodies through employment exchanges before 3/4/2000, ie the date of effect of the statutory amendment in KER entrusting the appointments to Kerala Public Service Commission. Therefore there is no justification for denying the benefits contemplated in the Government Order G.O (MS) No.225/09/G.Edn. dated, 21/11/09 to the petitioners.

As per the Government Order read as first paper above, the temporary teachers in the schools under local self Governments appointed after entrusting the appointment to KPSC ie after 6/10/95 and who were continuing in the schools at the time of issuance of the Government Order were regularised. But this benefit was limited to those 85 teachers included in the list appended to the Government Order. Some other teachers who were eligible to be included in the list were denied the benefit of regularisation. Several representations have been received requesting to

include them in the list. There are also teachers having approved services in the schools under local bodies like the petitioners who were retrenched from the schools consequent to the judgment of the High Court that appointments obtained in schools under local bodies have no claim under 51A.

Government have approved a comprehensive educational package as per Government Order read as 4<sup>th</sup> paper above for the scientific method of recruitment of teachers, approval of appointment of teachers working without salary, reappointment of retrenched teachers & deployment of protected teachers.

Government examined the case of the petitioners and the issue of other teachers under local bodies who got retrenched from the schools in terms of G.O (MS) 218/95/LAD dated, 6/10/95 in the light of the Government Order read as IVth paper above and are pleased to order as follows:

1) The petitioners in the Writ Petition read as second paper above and the other teachers retrenched from the schools under local bodies appointed through local bodies/employment exchanges after entrusting the appointment to Kerala Public Service Commission and who are having approved service in the schools shall be brought within the purview of the package approved as per the Government Order read as IVth paper above and shall be included in the list of retrenched teachers appended to the Government Order.

2) The teachers in schools under local bodies who were eligible but not included in the list of teachers appended to G.O (MS) 225/09/G.Edn.dated 21/11/2009 and are still continuing in the schools, if any, shall be brought within the purview of package and be included in the list of teachers working without salary appended to the Government Order read as 4<sup>th</sup> paper above.

3) The Director of Public Instruction is directed to examine the eligibility of each case in Sl.No. 1 and 2 above in detail for inclusion in the list of teachers working without salary and the list of retrenched teachers appended to the Government Order read as IVth paper above before giving them approval for appointment.

(By order of the Governor)  
**M.Sivasankar**  
 Secretary to Government

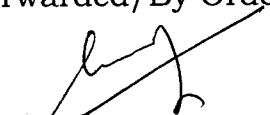
To

The Director of Public Instruction, Thiruvananthapuram  
 Smt.Shaila.R, W/o Prasannakumar, Sreenivas, Velloorkunnam, Muvattupuzha.  
 Smt.Mini N. Nair, W/o Venugopal, Usha Bhavanam, Kakkadasseri, Puthupadi,  
 Muvattupuzha.  
 Smt.Siji.E.K W/o.Balakrishnan.N.G, Nallippillil House, Kalloorkad.P.O,  
 Muvattupuzha.  
 Smt.Shoba T. Krishnan W/o.P.I.Sivan, Thottathil House, Oormana.P.O,  
 Kayanad, Muvattupuzha.  
 All Deputy Directors of Education/District Educational Officers/  
 Assistant Educational Officers  
 The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.  
 The Accountant General (A&E), Kerala, Thiruvananthapuram  
 The Director, Higher Secondary/Vocational Higher Secondary Education,  
 Thiruvananthapuram.  
 The Director of Panchayats, Thiruvananthapuram  
 The Local Self Government Department  
 The Director, Information and Public Relations Department,  
 Thiruvananthapuram  
 ✓ The Director, IT@School, Thiruvananthapuram  
 All Officers/Sections of General Education Department  
 The Stock File/Office Copy

Copy to:-

The PS to Chief Minister  
 The PS to Minister (Education)  
 The P.A. to Secretary (General Education)

Forwarded/By Order

  
 Section Officer