



**GOVERNMENT OF KERALA**

**Abstract**

General Education Department - Revision petition filed by the Manager, Corporate Educational Agency, Diocese of Idukki regarding approval for the transfer appointment of Smt. Celine Sebastian, LG Hindi Teacher (Full Time) from Maria Gorethi UPS, Pooppara-  
Disposed of - Orders Issued

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**GENERAL EDUCATION (SC) DEPARTMENT**

G.O.(Rt)No.2063/2022/GEDN Dated,Thiruvananthapuram, 26-03-2022

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- Read 1 Representation from The Corporate Educational Agency, Diocese of Idukki dated 18/10/2019
- 2 Letter No. F(4)/7772/2021/DGE from the Director of General Education dated 21/12/2021
- 3 Letter No. C/1324/2018 from the Assistant Educational Officer, Arakkulam dated 15/12/2021
- 4 Letter No. B4/2009/2021 from the Deputy Director of Education, Idukki dated 15/12/2021

**ORDER**

The Corporate Educational Agency, Diocese of Idukki has submitted a representation dated 18.10.2019 regarding approval for the transfer appointment of Smt. Celine Sebastian, LG Hindi Teacher (Full Time) from Maria Gorethi UPS, Pooppara to SM UPS Manippara, in Idukki District and disbursement of salary withheld for want of approval. As requested by the Manager, the parties were heard on 21.12.2021.

2. A succinct of the story is as follows:

2.1. Majority of the Schools under the Corporate Educational Agency constitutes New Schools that started after 22.05.1979 and a few of them that existed before the date. About 13 teachers/non-teachers who had been transferred by the Corporate Manager (hereafter Manager, for brevity) and the Manager together, approached the Hon'ble High Court for approval of the transfer order, in W.P (C) No. 20753/18. These Petitioners were heard by the Director of General Education on the direction of the Court and orders were issued for approval of the transfer of the petitioners from 1 to 10. Smt. Celine Sebastian who was arrayed 13<sup>th</sup> in the list of Petitioners did not get approval of her transfer. Hence she is not disbursed salary with effect from the date she joined in

the transferred school, for want of approval. Hence, the representation from the Manager.

2.2 Maria Gorethi UPS, Pooppara in Idukki District was an old school that existed there prior to 22.05.1979 whereas SM UPS Manippara, in Idukki District was a New School established after 22.05.1979. The former school had a post of LG Hindi Teacher (FT) during 2016-17 academic year that was converted as PT post during the staff fixation for 2017-18. Nonetheless, at the same time, the PT post of LG Hindi Teacher that existed in the latter school was converted into a FT post during 2017-18. Disregarding the fact that the former was an Old School and the latter a New School, the Manager transferred Smt. Celine Sebastian to the latter with effect from 15.07.2017. However, the Assistant Educational Officer declined to approve the transfer on the ground that the post in the latter school to which she had been transferred was deemed to be an additional post which had to be filled with a protected hand. It is the case of the Manager that the post in the latter school was never an additional post, but a PT post that existed in the previous year and only converted into a FT post during staff fixation of 2017-18.

2.3 After considering the case in detail and after hearing all the parties on the direction of the Hon'ble High Court in the W.P (C) mentioned earlier, the Director of General Education has observed that the transfer of an incumbent teacher from an Old School to a New School is not inadmissible so long as the resultant vacancy in the Old School is filled by the Manager as per the prescribed norms and conditions to be followed for making appointments in New Schools. It is also observed, *inter alia*, that if there was reduction of posts leading to retrenchment of regular staff, the lien of such staff has to be adjusted according to seniority in the established vacancies, before effecting transfers. However, her transfer was not approved by the Director of General Education on the ground that the Manager failed to adjust the lien as such. Nevertheless, the Manager had been directed by the Director of General Education to submit revised application incorporating the details regarding the objections raised. However, rather than submitting such a revised application, the Manager has approached the Government straight away.

3. The Manager's arguments are the following:

3.1 The Manager is not bound to appoint a Protected Teacher in the latter school as it was not an additional post, but a PT post that was in existence in the previous year and converted into a FT post during Staff Fixation 2017-18.

3.2 Smt. Celine Sebastain had later been transferred to St. Thomas HSS, Irattayar, an Old School under the same Agency, as soon as a vacancy occurred there during 2018-19, with effect from 1.06.2018.

3.3 Hence, the Manager requested to disburse her salary for the period from 15.07.2017 to 31.05.2018 from SM UPS Manippara and from St. Thomas HSS, Irattayar with effect from 01.06.2018.

4. The Director of General Education in his letter dated 20.12.2021 has reported that her appointment in regular post with effect from 01.06.2018 has already been approved and the Manager has been issued strict instruction to adjust her lien during the period between 15.07.2017 to 31.05.2018 in the established vacancies under the Agency. The Assistant Educational Officer, Arakkulam in his report dated 15.12.2021 has reported that the Manager has not submitted the details as directed by the Director of General Education. However, he

has also reported that the manager has expressed willingness to submit an undertaking to appoint a protected teacher in Maria Gorethi School in the resultant vacancy caused by the transfer of Smt. Celine Sebastian for the limited period of time from 15.07.2017 to 31.05.2018. The practicability of this suggestion is an irony since the period is already over.

5. An examination of the reports and contentions makes it clear that the whole issue revolves around the question whether the post to which she had been transferred was an additional post or not. Whether the PT post converted into a FT post in subsequent staff fixation can be treated as a new post is also a question, if the argument of the Manager is taken into consideration. There is also ambiguity regarding the submission of the Manager undertaking to appoint a protected teacher for a past period. There is also report that the Manager has not submitted the details as instructed by the Director of General Education.

6. As details are not available to address these issues, there will be a direction to the Director of General Education to examine these issues afresh within a period of two weeks and issue revised orders. There will be a direction to the Manager to submit the details required by the

Director of General Education, within this period, without fail.

(By order of the Governor)  
K NANDA KUMAR  
ADDITIONAL SECRETARY

To:

The Director of General Education, Thiruvananthapuram

The Deputy Director of Education, Idukki

The Assistant Educational Officer, Arakkulam

Corporate Manager, The Corporate Educational Agency, Diocese of  
Idukki.

Smt. Celine Sebastian, LG Hindi Teacher (Full Time) from Maria  
Gorethi UPS, Pooppara

Principal Accountant General (Audit), Kerala, Thiruvananthapuram

Accountant General (A&E), Kerala, Thiruvananthapuram

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Section Officer