



2025:KER:29834

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 14266 OF 2025

PETITIONERS:

- 1 HANNATH BEEVI C Z
AGED 27 YEARS
HST(MALAYALAM) ALFAROOKHIA HSS
CHERANELLOOR C/O ZAKKEER HUSSAIN C A
RESIDING AT CHENAMPALLY (H) CHERANELLOOR
(PO), ERNAKULAM,, PIN - 682034.
- 2 THASNI M K
AGED 35 YEARS
HST (SOCIAL SCIENCE) (ADDITIONAL POST)
AL FAROOKHIA HSS CHERANALLOOR
D/O M M KUNJUMOHAMMED VADAKKEDATH
(H), VALLUVALLY, KOONAMMAVU (PO),
ERNAKULAM, PIN - 683518.
- 3 BADARUDHEEN K P
AGED 29 YEARS
HST SOCIAL SCIENCE FATHIMABI MEMORIAL HSS
KOOMBARA S/O ABDULMAJEED K P
RESIDING AT KAMBINTAKAYIL(H),
THACHAMPOYIL (PO), KOZHIKODE,
PIN - 673573.



- 4 RIYAS J
AGED 31 YEARS
HST (MALAYALAM) FATHIMABI MEMORIAL HSS KOOMBARA
C/OJALALUDEEN KOKKATTUTHARAYIL (H) ,
CHERAVALLY KAYAMKULAM (PO) ,
ALAPPUZHA, PIN - 690502.
- 5 THAJMAL HUSSAIN K
AGED 38 YEARS
UPST (SOCIAL SCIENCE) AL- FAROOKHIA HSS
CHERANELLOOR S/O ABDUL JABBAR K RESIDING AT
VELLARAM PARAKKAL (H) , CHERUPUTHUR,
MONGAM (PO) , MALAPPURAM, PIN - 673642.
- 6 ABDUL BARI C P
AGED 26 YEARS
UPST AL FAROOKHIA HSS CHERANALLOOR
S/O KALANTHAN KUTTY C P RESIDING AT
CHAKKUMPURAYIL (H) , CHERUVADI (PO) ,
KOZHIKODE, PIN - 673661.
- 7 BHARATH BABU
AGED 30 YEARS
UPST MARKAZ BOYS HSS KARANATHUR
S/O BABU K RESIDING AT
PAIKKATTIL (H) , THIRUVAMBADY (PO) ,
KOZHIKODE, PIN - 673603.
- 8 UMAIR A
AGED 35 YEARS
UPST MARKAZ BOYS HSS KARANATHUR
S/O AHAMMEDKUTTY A RESIDING AT MUTTIYARAKKAL
(H) , MUNDAKULAM, MUTHUVALLOOR (PO)
MALAPPURAM, PIN - 673638.

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

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RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
ANNEX-II, THIRUVANANTHAPURAM, PIN - 695001.
- 2 THE 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, 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 KARANTHOOR
KOZHIKODE, PIN - 673561.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

Dated this the 7th day of April, 2025

Petitioners 1 to 4 are working as High School Teachers, and petitioners 5 to 8 are working as Upper Primary School Teachers in Schools coming under the 7th respondent-Corporate Management. The petitioners appointments, as per Exts.P2 to P9, were made against established vacancies and all of the petitioners possess the requisite qualifications. The Corporate Manager had taken all possible steps to fill up the quota earmarked for the Physically Disabled Persons. One physically disabled Teacher has already been accommodated as HST (Malayalam), as evident by Ext.P10 proceedings.

2. Even though two other posts of HST (Hindi) and HST Physical Science were set apart for accommodating Physically Disabled Persons, respondents 5 and 6 have issued non-availability Certificate stating that no qualified differently



abled Teachers are available for allotment to the said quota, as evidenced by Exts.P11 and P12. So, the 7th respondent made a fresh requisition yet again as per Exts.P13 to P15 documents. But to this date, respondents 5 and 6 were unable to provide qualified differently abled Teachers to the said posts. The petitioners are working in the Schools pursuant to their appointment orders as per Exts.P2 to P9.

3. As per Rule 8(2) of Chapter XIVA KER, the Educational Officer is bound to take a decision on the proposal within a period of one month of receipt of the proposal. In the case of the petitioners, even after working for many months, their proposal was not considered, only for the reason that the 7th respondent could not fill up the quota of differently abled persons in spite of his earnest efforts. In an identical circumstances, the NSS Corporate Management had approached the Hon'ble Supreme Court against the refusal on the part of the authorities in granting regular approval, for the



reasons that the authorities could not provide sufficient number of differently abled persons.

4. The Hon'ble Supreme Court directed the Government to take steps to grant approval to the Teacher's on regular basis if the requisite steps have already been taken by the Management, as per Exts.P16 order. Pursuant to the same, the Government issued Ext.P17, granting approval on regular pay scale. Following Exts.P16 and P17, this Court had also issued similar directions. Hence, in the light of Exts.P16 order and P17 Government Order and also taking note of the fact the 7th respondent has already appointed a physically disabled Teacher and two posts are set apart for accommodating the differently abled persons, direction should be issued to the authorities concerned to grant approval to appointment of the petitioners forthwith, contend the petitioners.

5. I have heard the learned Counsel for the petitioners and the learned Government Pleader representing



the respondents.

6. Highlighting the grievance, the petitioners have preferred Ext.P19 revision petition before the 1st respondent. The petitioners submit that a decision has to be taken on Ext.P19 taking note of Exts.P10 to P17.

The writ petition is therefore disposed of directing the 1st respondent to consider Ext.P19 revision petition and take appropriate decision thereon taking note of Exts.P10 to P17, within a period of four months. The 1st respondent shall also consider grant of wages on daily wage basis to the petitioners, in the meanwhile.

Sd/-
N. NAGARESH
JUDGE

ams



APPENDIX OF WP(C) 14266/2025

PETITIONER EXHIBITS

- | | |
|------------|---|
| Exhibit P1 | TRUE COPY 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 5TH RESPONDENT IN RESPECT OF THE
1ST PETITIONER DATED 03.06.2024 |
| Exhibit P3 | TRUE COPY OF THE APPOINTMENT ORDER ISSUED
IN RESPECT OF THE 2ND PETITIONER DATED
02.12.2024 |
| Exhibit P4 | TRUE COPY OF THE APPOINTMENT ORDER ISSUED
IN RESPECT OF THE 3RD PETITIONER DATED
01.01.2025 |
| Exhibit P5 | TRUE COPY OF THE APPOINTMENT ORDER ISSUED
IN RESPECT OF THE 4TH PETITIONER DATED
04.06.2024 |
| Exhibit P6 | TRUE COPY OF THE APPOINTMENT ORDER DATED
05.06.2024 ISSUED IN RESPECT OF THE 5TH
PETITIONER |
| Exhibit P7 | TRUE COPY OF THE APPOINTMENT ORDER DATED
13.08.2024 ISSUED IN RESPECT OF THE 6TH
PETITIONER |
| Exhibit P8 | TRUE COPY OF THE APPOINTMENT ORDER ISSUED
IN RESPECT OF THE 7TH PETITIONER DATED
02.06.2023 |
| Exhibit P9 | TRUE COPY OF THE APPOINTMENT ORDER ISSUED
IN RESPECT OF THE 8TH PETITIONER DATED |

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03.06.2024

- Exhibit P10 TRUE COPY OF THE ORDER NO.B1/761103/2024
DATED 27.01.2025 ISSUED BY THE 4TH
RESPONDENT
- Exhibit P11 TRUE COPY OF LETTER DATED 27.12.2023
ISSUED BY THE 5TH RESPONDENT
- Exhibit P12 TRUE COPY OF LETTER NO.SEEPH-
KZD/194/2023-B1 DATED 25.10.2024 ISSUED
BY THE 6TH RESPONDENT
- Exhibit P13 TRUE COPY OF THE RELEVANT EXTRACT OF THE
REQUISITION MADE BY THE 7TH RESPONDENT IN
RESPECT OF HST (PHYSICAL SCIENCE) AND HST
(HINDI) DATED 20.11.2024
- Exhibit P14 TRUE COPY OF LETTER NO. MAS1/2023 DATED
20.11.2024 ADDRESSED TO THE 5TH
RESPONDENT
- Exhibit P15 TRUE COPY OF LETTER NO.MAS01/2023 DATED
20.11.2024 ADDRESSED TO THE 6TH
RESPONDENT
- Exhibit P16 TRUE COPY OF THE JUDGMENT IN SLP
(C) NO.11373/2024 DATED 04.03.2025
- Exhibit P17 TRUE COPY OF G.O(MS) NO 43/2025/G.EDN
DATED 17.03.2025
- Exhibit P18 TRUE COPY OF THE JUDGMENT IN
W.P(C) NO.5651/2025 DATED 18.03.2025
- Exhibit P19 TRUE COPY OF THE REVISION PETITION FILED
BEFORE THE 1ST RESPONDENT DATED
24.03.2025