



2025:KER:248111

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

WP(C) NO. 30317 OF 2024

PETITIONER:

SAJITHA A.S
AGED 56 YEARS
W/O. SIRAJUDHEEN S.M.,
HM, NIJ LP SCHOOL KUMBALAM,
KUMBALAM P.O.,
ERNAKULAM DISTRICT - 682506.
(RESIDING AT SHERIF MANZIL,
NEAR TOLL PLAZA, KUMBALAM P.O.,
ERNAKULAM, PIN - 682506

BY ADVS.
T.T.MUHAMOOD
A.RENJIT
GOKUL R.NAIR
ANSALAM N.X.

RESPONDENTS:

- 1 STATE OF KERALA
REP. BY THE SECRETARY TO GOVERNMENT GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-,
PIN - 695001
- 2 THE DIRECTOR OF GENERAL EDUCATION
DIRECTORATE OF GENERAL EDUCATION, JAGATHY,
THIRUVANANTHAPURAM, PIN - 695014



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: 2 :

- 3 DEPUTY DIRECTOR OF EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM, PIN - 680003
- 4 ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER,
ERNAKULAM, PIN - 680668
- 5 THE MANAGER
NIJ LP SCHOOL KUMBALAM, KUMBALAM P.O., ERNAKULAM
DISTRICT, PIN - 682506

BY SRI.PREMCHAND R. NAIR, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 06.03.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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N. NAGARESH, J.

.....
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.....

Dated this the 6th day of March, 2025

J U D G M E N T

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The petitioner, who is working as Headmistress in NIJ LP School, Kumbalam, seeks to quash Exts.P2, P3 and P4 and to direct the respondents to allow the petitioner to continue as Headmistress of NIJ LP School, Kumbalam and to draw salary in the post of HM.

2. The petitioner, who was initially appointed as LPST, was promoted to the post of Headmistress with effect from 01.04.2002. The promotion was approved by the educational officers. The petitioner's School is a LP School having Classes I to IV. There are only four Divisions. Though there are four Divisions, there are only two regular



Teachers including the petitioner.

3. As per Ext.P1 Staff Fixation Order dated 18.08.2023 for the academic year 2023-2024, one HM post and three LPST posts have been sanctioned in the School against the four Divisions. However, there are only two regular Teachers including the petitioner (HM). The other Classes are managed by daily wage Teachers.

4. For the academic yer 2024-2025, Ext.P2 Staff Fixation Order dated 02.07.2024 was issued. Ext.P2 concluded that the School is an incomplete School as there was reduction of one Division due to decline in students strength. Ext.P2 stated that as there is no sufficient student strength, the post of HM cannot be sanctioned.

5. The petitioner filed appeal against Ext.P2 Staff Fixation Order before the 3rd respondent-Deputy Director of Education. The 3rd respondent, however, directed to retain the petitioner as LPST, instead of as HM, as per Ext.P3 order dated 17.07.2024. Pursuant to Ext.P3, the 4th



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respondent-AEO revised the petitioner's salary from ₹83,000/- to ₹75,400/-.

6. The petitioner states that the post of HM cannot be abolished and the petitioner cannot be denied the salary payable to an HM on the ground that the School is an incomplete School. A School can be considered as incomplete School only at the time/phase of opening the School. Once it reaches Standard IV, it cannot be treated/considered as incomplete School.

7. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

8. In the academic year 2023-2024, the School had four Divisions and there were two regular Teachers including the petitioner (HM). As per Ext.P1, one HM post and three LPST posts were sanctioned against the four Divisions.



9. It is seen that the student strength further dwindled in the academic year 2024-2025 consequent to which the post of HM was abolished stating that the School has become incomplete School and that there is no sufficient student strength in order to sanction HM post.

10. The question whether the post of HM can be abolished in a Lower primary School on the basis of reduction of student strength, was considered by this Court in W.P.(C) No.21187/2024. This Court held that going by the statutory Scheme evident from Rule 1(b)(i) Chapter XXIII KER, the post of Headmaster is a mandatory requirement which cannot be avoided under any circumstances. Therefore, Exts.P2, P3 and P4 are unsustainable. The petitioner is entitled to continue as Headmistress in the School.

11. Ext.P2 order is therefore quashed to the extent of denying the post of HM in the School to the petitioner. Exts.P3 and P4 orders will also stand quashed.



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The respondents are directed to allow the petitioner to continue as HM of NIJ LP School, Kumbalam and to draw salary in the post of HM.

The writ petition is disposed of as above.

Sd/-

N. NAGARESH, JUDGE

aks/21.03.2025



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APPENDIX OF WP(C) 30317/2024

PETITIONER'S EXHIBITS

Exhibit P1 A TRUE COPY OF THE STAFF FIXATION
ORDER NO. K.DIS. C/58438/2023 DATED
18-08-2023 ISSUED BY THE 4THRESPONDENT

Exhibit P2 A TRUE COPY OF STAFF FIXATION ORDER
NO. C/742882/2024 DATED 02.07.2024
ISSUED BY THE 4TH RESPONDENT

Exhibit P3 A TRUE COPY OF THE ORDER NO.
DDEEKM/5964/24-B5 DATED 17.07.2024
ISSUED BY THE 3RD RESPONDENT

Exhibit P4 A TRUE COPY OF THE ORDER NO.
AEOEKM/755/2024-C DATED 20.08.2024
ISSUED BY THE 4TH RESPONDENT

Exhibit P5 A TRUE COPY OF THE JUDGMENT DATED
21.06.2024 IN WP(C) NO. 21187 OF 2024

RESPONDENT'S EXHIBITS

EXHIBIT R4(a) True copy of the Letter
No.DGE/10263/2023(1)-H2 dated
26.04.2024.

PETITIONER'S EXHIBITS

Exhibit P6 A TRUE COPY OF ORDER NO.
AEOEKM/755/2024-C DATED 12.12.2024
ISSUED BY THE 4TH RESPONDENT