

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

WP(C) NO. 37770 OF 2024

PETITIONER:

NISHA KURIAN
AGED 42 YEARS, D/O. KURIAN,
JUNIOR HINDI TEACHER,
ST.MARY'S HIGHER SECONDARY SCHOOL,
KODATHAI, KOZHIKODE.
RESIDING AT FC CONVENT,
KODATHAI BAZAR P.O., KODATHAI,
PIN - 673573.

BY ADVS.
BEJOY JOSEPH P.J.
M.VIJAYAKUMAR

RESPONDENTS:

- 1 DEPUTY DIRECTOR OF EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE, PIN - 673573.
- 2 ADDITIONAL DIRECTOR OF GENERAL EDUCATION
OFFICE OF THE ADDITIONAL DIRECTOR OF GENERAL
EDUCATION, JAGATHY, THIRUVANANTHAPURAM,
PIN - 695014.

W.P.(C)No.37770 of 2024

:2:



2025:KER:17659

3 DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY, PIN - 673573.

4 MANAGER
ST.MARY'S HIGHER SECONDARY SCHOOL,
KODATHAI, KOZHIKODE, PIN - 673573.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 03.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

Dated this the 3rd day of March, 2025

The petitioner was appointed as Junior Hindi Teacher. It appears that the petitioner did not hold K-TET qualification as on the date of appointment. The appointment granted to the petitioner was rejected as per Ext.P1 order of the District Educational Officer.

2. The Manager filed Ext.P2 appeal against rejection of approval. The Deputy Director of Education rejected the appeal as per Ext.P3 order dated 16.02.2022. The Manager, thereafter preferred a revision before the Additional Director of General Education. The Additional Director of General Education passed Ext.P4 order permitting the Manager to submit a fresh proposal.



3. The petitioner states that the petitioner acquired K-TET qualification in the meanwhile on 03.09.2021. Therefore, the Manager submitted Ext.P6 proposal to approve the appointment of the petitioner at least with effect from 03.09.2021. The said application also stands rejected as per Ext.P7 order dated 20.02.2024 of the District Educational Officer.

4. In Ext.P7, the District Educational Officer observed that the relaxation in acquiring K-TET qualification has been granted to only those Teachers who were appointed in the year 2019-2020. The petitioner states that the said reasoning is not justifiable and since the petitioner has acquired K-TET qualification on 03.09.2021, her appointment is liable to be approved at least with effect from that date.

5. Government Pleader entered appearance and resisted the writ petition. The Government Pleader pointed out that the petitioner was ineligible for appointment when she was



granted appointment order as per Ext.P1. Therefore, the educational authorities, including the Additional Director of General Education were justified in passing Exts.P3 and P4 orders. If the petitioner has acquired K-TET qualification subsequently, the Manager will have to submit a fresh proposal for approval. If the Manager files such a proposal, there will be an issue of delay in submitting the proposal, which will also have to be addressed by the District Educational Officer.

6. Taking into consideration all the afore facts and taking into consideration the fact that the petitioner has acquired K-TET qualification within two months of appointment, I am of the view that the respondents have to consider the proposal for approval of appointment of the petitioner at least with effect from 03.09.2021. Government Pleader would submit that as per Ext.P6, the Manager has stated that the petitioner has acquired K-TET qualification on 16.12.2021, and not on 03.09.2021 as claimed by the petitioner.



In the facts of the case, the writ petition is disposed of directing the 4th respondent-Manager to give a revised proposal for approval of appointment of the petitioner from the date of acquiring K-TET qualification to the District Educational Officer along with an application for condonation of delay in making the proposal. If the Manager makes appropriate proposal along with request for condoning the delay, the 2nd respondent-Additional Director of General Education shall consider the question of condonation of delay and pass appropriate orders thereon within a period of one month. On the delay being condoned, the 3rd respondent-District Educational Officer shall consider the application for approval with effect from the date of acquisition of K-TET qualification, within a further period of one month.

Sd/-
N. NAGARESH
JUDGE



APPENDIX OF WP(C) 37770/2024

PETITIONER EXHIBITS

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|------------|---|
| Exhibit P1 | TRUE COPY OF THE ORDER BEARING NO. K.DIS A1/27528/2021 DATED 25.08.2021 ISSUED BY THE DISTRICT EDUCATIONAL OFFICER. |
| Exhibit P2 | TRUE COPY OF THE APPEAL FILED BY THE MANAGER BEFORE THE DEPUTY DIRECTOR OF EDUCATION DATED NIL. |
| Exhibit P3 | TRUE COPY OF THE ORDER BEARING NO. B1/214064/2021 DATED 16.02.2022 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION. |
| Exhibit P4 | TRUE COPY OF ORDER BEARING NO.EM3/236679/2022 DATED 13.11.2022 ISSUED BY THE 2ND RESPONDENT. |
| Exhibit P5 | TRUE COPY OF THE CERTIFICATE ISSUED BY THE GOVERNMENT OF KERALA DATED 16.12.2021.5 |
| Exhibit P6 | TRUE COPY OF THE REQUEST SUBMITTED BY THE MANAGER BEFORE THE DISTRICT EDUCATIONAL OFFICER NO.151/2023 DATED 13.10.2023. |
| Exhibit P7 | TRUE COPY OF THE ORDER BEARING NO.A1/54995/2023 DATED 20.02.2024 ISSUED BY THE DISTRICT EDUCATIONAL OFFICER. |
| Exhibit P8 | TRUE COPY OF THE ORDER ISSUED BY THE GOVERNMENT BEARING NO.GEDN-E2/243/2023-G.EDN DATED 16.11.2023. |

W.P.(C)No.37770 of 2024

:8:



2025:KER:17659

Exhibit P9

TRUE COPY OF THE ORDER BEARING
NO.G3/238801/2022 DATED 15.05.2023
ISSUED BY THE 2ND RESPONDENT.

Exhibit P10

TRUE COPY OF ORDER NO. G.O.
(KAI)NO.133/2024/GEDN DATED 05.11.2024