

ITEM NOS.34+35

COURT NO.16

SECTION XI-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 42885/2025

[Arising out of impugned final judgment and orders dated 18-03-2025 in RP No. 571/2024 & 31-10-2023 in OPCAT No. 151/2019 passed by the High Court of Kerala at Ernakulam]

THE KENDRIYA VIDYALAYA SANGATHAN

Petitioner(s)

VERSUS

MALATHY PISHARASYAR N.S &amp; ORS.

Respondent(s)

IA No. 215965/2025 - CONDONATION OF DELAY IN FILING, IA No. 215967/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

WITH

Diary No(s). 36684/2025 (XV)

IA No. 228792/2025 - CONDONATION OF DELAY IN FILING, IA No. 228796/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

Diary No(s). 23876/2025 (XV)

IA No. 299399/2025 - CONDONATION OF DELAY IN FILING, IA No. 299398/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

WITH

SLP (CIVIL) Diary No(s). 43413/2025 (ITEM NO.35)

IA No. 219095/2025 - CONDONATION OF DELAY IN FILING, IA No. 219096/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

WITH

Diary No(s). 43439/2025 (XI-B)

FOR ADMISSION and I.R., IA No. 220340/2025 - CONDONATION OF DELAY IN FILING, IA No. 220341/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 08-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.  
Mr. Jay Nirupam, Adv.

Mr. D. Girish Kumar, Adv.  
Mr. Pranav Giri, Adv.  
Mr. Ekansh Sisodia, Adv.  
Mr. Ritik Sharma, Adv.

Mr. U.N.Singh, Adv.  
Mr. Amarjit Singh Bedi, AOR

For Respondent(s) Mr. H. D. Thanvi, Adv.  
Mr. Nikhil Kumar Singh, Adv.  
Mr. Kshitish Bikarmia, Adv.  
Mr. Rishi Matoliya, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Delay condoned.
2. These are five matters where the Kendriya Vidyalaya Sangathan (for short 'KVS') is the petitioner. Diary No.42885/2025 (KVS vs. Malathy Pisharasyar N.S.& Ors.), Diary No.43413/2025 (KVS vs. N.Alima Beevi & Ors.) & Diary No.43439/2025 (KVS vs. M.R.Indira & Ors.) are from Kerala. In all three matters, the High Court has allowed the review, recalled its earlier judgment and set down the matters for hearing.
3. Diary Nos.36684/2025 (KVS & Ors. vs. Usha Bakshi) and Diary No.23876/2025 (KVS & Anr. vs. Hari Om Verma) are from Rajasthan. In the said matters final relief have been given to the respondents applying the judgment of this Court in the *University of Delhi vs. Shashi Kiran (2022 SCC OnLine SC 593)*.
4. The issue involved in these matters is when employees have exercised option to come under the Contributory Provident Fund Scheme(CPFS) whether they can seek to resile from the option and avail coverage under General Provident Fund Scheme (GPFS).

5. According to Mr. Shubhranshu Padhi, learned counsel for the KVS, such a course is not permissible and according to Mr. Padhi, *Shashi Kiran (supra)* does not lay down such an absolute proposition of law. Mr. Padhi, submits that in *Shashi Kiran (supra)* benefit was extended to 75 persons who were left in the said batch of matters, who had exercised option for CPFS and direction was given to the authorities to offer them an option in such a manner as the authority deems appropriate. Mr. Padhi submits that such a course of action was adopted because in the said batch only 75 persons were left out.

6. Mr. Padhi submits that as far as the Kerala matters are concerned, the main judgment which is since been recalled, followed the judgment of this Court in *KVS & Ors. vs. Jaspal Kaur (2007 (6) SCC 13)* and refused benefit to parties to come under the GPFS once they had opted for CPFS. Special Leave petitions have also been dismissed by this Court and in one case the matter was withdrawn.

7. As far as the Rajasthan matters are concerned, benefits have been extended by the High Court and the employees have been permitted to come back to the GPFS. Mr. U.N.Singh, learned counsel for the KVS challenges the said direction also.

8. Mr. Nikhil Kumar, learned counsel for the sole respondent in Diary No.36684/2025 appears on caveat and submits that the issue is concluded by the direction of this Court in *Shashi Kiran (supra)* in favour of the respondents.

9. We are of opinion that the issue requires consideration

as to whether employees of the KVS who have exercised option to be covered under the CPFS can be allowed to come back to the GPFS and as to whether *Shashi Kiran (supra)* in fact permits such a course of action.

10. We need to also consider the holding of this Court in *Jaspal Kaur (supra)*.

11. Issue notice to the respondents, returnable on 10.03.2026.

12. Mr. Nikhil Kumar, learned counsel for the sole respondent in Diary No.36684/2025 accepts notice on behalf of the sole respondent. Hence, formal service of notice is dispensed with on the said respondent.

13. In the meantime, there shall be stay on the operation of the impugned judgment and order(s) in all these matters.

14. List the matters on 10.03.2026.

(NIRMALA NEGI)  
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)  
BRANCH OFFICER