

The Manager vs Rajeswari Devi S

The Manager vs Rajeswari Devi S

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Court : Kerala

Decided On : May-22-2023

Judge : Honourable Mr. Justice P.B.Suresh Kumar,Honourable Mrs. Justice Sophy Thomas

Appeal No. : WA/637/2023

Appellant : The Manager

Respondent : Rajeswari Devi S

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MRS.JUSTICE SOPHY THOMAS MONDAY, THE 22ND DAY OF MAY 2023 / 1ST JYAISHTA, 1945 WA NO. 607 OF 2023 AGAINST THE JUDGMENT IN WP(C) 9671/2022 DATED 03.03.2023 OF HIGH COURT OF KERALA APPELLANT/5TH RESPONDENT: THE MANAGER HSS, KANDAMANGALAM, KADAKKARAPPALLY P.O., CHERTHALA, PIN - 688529 BY ADV GEORGE ABRAHAM RESPONDENTS/PETITIONER & RESPONDENTS 1-4 & 6:

1 SANGEETHA R.NAIR AGED 54 YEARS W/O.RAGHUNATHA KURUP, HSST (CHEMISTRY), HSS, KANDAMANGALAM, KADAKKARAPPALLY P.O., CHERTHALA- 688 529, (RESIDING AT THARAPADHAM, POLLATHAI, KALAVOOR P.O., ALAPPUZHA, PIN - 688522 2 STATE OF KERALA REP.BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 3 THE DIRECTOR OF GENERAL EDUCATION DIRECTORATE OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM - 695014 4 REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION, CHENGANNUR, ALAPPUZHA DISTRICT, PIN - 5 THE DISTRICT EDUCATIONAL OFFICER OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, CHERTHALA, ALAPPUZHA, PIN - 688524

WA No.607 of 2023 & con. cases 2 6 RAJESWARI DEVI.S W/O..V.S.RAJESH, AGED 46 YEARS, PRINCIPAL IN CHARGE HSS, KANDAMANGALAM, P.O.KADAKKARAPPALLY, CHERTHALA-688529, ALAPPUZHA DISTRICT (RESIDING AT VISHNU BHAVAN, PATHIRAPPALLY P.O., POOMKAVU, ALAPPUZHA DISTRICT, PIN - 688521) BY ADVS. T.T.MUHAMOOD V.E.ABDUL GAFOOR(K/1278/2000) NAZEER HUZAIN.H(K/1166/2020) A.J.VARGHESE, SR.GOVERNMENT PLEADER THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22.05.2023, ALONG WITH WA.629/2023, 637/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WA No.607 of 2023 & con. cases 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS MONDAY, THE 22ND DAY OF MAY 2023 / 1ST JYAISHTA, 1945 WA NO. 629 OF 2023 AGAINST THE JUDGMENT IN WP(C) 7070/2022 DATED 03.03.2023 OF HIGH COURT OF KERALA APPELLANT/PETITIONER:

RAJESWARI DEVI S AGED 47 YEARS WIFE OF V.S. RAJESH,
PRINCIPAL, HIGHER SECONDARY SCHOOL, KANDAMANGALAM,
P.O. KADAKKARAPPALLY, CHERTHALA, ALAPPUZHA DISTRICT -
688529(RESIDING AT VISHNU BHAVAN, P.O. PATHIRAPPALLY,
POOMKAVU ALAPPUZHA DISTRICT-688521) BY ADVS.
V.A.MUHAMMED V.RAJASEKHARAN NAIR
RESPONDENTS/RESPONDENTS: 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, SECRETARIAT ANNEXE-II,
THIRUVANANTHAPURAM - 695001 WA No.607 of 2023 & con. cases 4

2 THE DIRECTOR OF GENERAL EDUCATION (HIGHER SECONDARY
WING) HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM - 695001(ADDRESS WRONGLY STATED
AS P.O.JAGATHY, THIRUVANANTHAPURAM-695014) 3 THE
REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION, CHENGANNUR, ALAPPUZHA, PIN - 689121 4 THE
MANAGER HIGHER SECONDARY SCHOOL, KANDAMANGALAM,
P.O. KADAKKARAPPALLY, CHERTHALA, ALAPPUZHA DISTRICT - 5
SMT. SANGEETHA R. NAIR HIGHER SECONDARY SCHOOL
TEACHER (CHEMISTRY) HIGHER SECONDARY SCHOOL,
KANDAMANGALAM, P.O. KADAKKARAPPALLY, CHERTHALA,
ALAPPUZHA DISTRICT - BY ADVS. GEORGE ABRAHAM
MUHAMOOD T.T V.E.ABDUL GAFOOR(K/1278/2000) NAZEER
HUZAIN.H(K/1166/2020) A.J.VARGHESE, SR.GOVERNMENT
PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
22.05.2023, ALONG WITH WA.607/2023 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WA
No.607 of 2023 & con. cases 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS MONDAY, THE 22ND DAY OF MAY 2023 / 1ST JYAISHTA, 1945 WA NO. 637 OF 2023 AGAINST THE JUDGMENT IN WP(C) 7070/2022 DATED 03.03.2023 OF HIGH COURT OF KERALA APPELLANT/4TH RESPONDENT: THE MANAGER HIGHER SECONDARY SCHOOL, KANDAMANGALAM, P.O., KADAKKARAPPALLY, CHERTHALA, ALAPPUZHA DISTRICT - BY ADV GEORGE ABRAHAM RESPONDENTS/PETITIONER & RESPONDENTS 1-3 & 5:

1 RAJESWARI DEVI S AGED 46 YEARS WIFE OF V.S. RAJESH, PRINCIPAL, HIGHER SECONDARY SCHOOL, KANDAMANGALAM, P.O. KADAKKARAPPALLY, CHERTHALA, ALAPPUZHA DISTRICT 688 529, (RESIDING AT VISHNU BHAVAN, P.O., PATHIRAPPALLY, POOMKAVU ALAPPUZHA DISTRICT, PIN - 688521 2 THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE -II, THIRUVANANTHAPURAM - 695001 3 THE DIRECTOR OF GENERAL EDUCATION (HIGHER SECONDARY WING), P.O. JAGATHY, THIRUVANANTHAPURAM - 695014

WA No.607 of 2023 & con. cases 6 4 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION, CHENGANNUR, ALAPPUZHA DISTRICT - 689121 5 SMT. SANGEETHA R. NAIR HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY), HIGHER SECONDARY SCHOOL, KANDAMANGALAM, P.O., KADAKKARAPPLLY, CHERTHALA, ALAPPUZHA DISTRICT - BY ADV V.A.MUHAMMED A.J.VARGHESE, SR.GOVERNMENT PLEADER THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22.05.2023, ALONG WITH WA.607/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WA No.607 of 2023 & con. cases 7

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS MONDAY, THE 22ND DAY OF MAY 2023 / 1ST JYAISHTA, 1945 WA NO. 665 OF 2023 AGAINST THE JUDGMENT IN WP(C) 9671/2022 DATED 03.03.2023 OF HIGH COURT OF KERALA APPELLANT/6TH RESPONDENT: RAJESWARI DEVI S AGED 47 YEARS WIFE OF V.S. RAJESH, PRINCIPAL, HIGHER SECONDARY SCHOOL, KANDAMANGALAM, P.O. KADAKKARAPPALLY, CHERTHALA, ALAPPUZHA DISTRICT - 688529(RESIDING AT VISHNU BHAVAN, P.O. PATHIRAPPALLY, POOMKAVU ALAPPUZHA DISTRICT-688521) BY ADVS. V.A.MUHAMMED V.RAJASEKHARAN NAIR RESPONDENTS/PETITIONER AND RESPONDENTS 1 TO 5: 1 SMT. SANGEETHA R. NAIR AGED 54 YEARS W/O. RAGHUNATHA KURUP, HSST (CHEMISTRY), HSS, KANDAMANGALAM, P.O. KADAKKARAPPALLY, CHERTHALA - 688529 (RESIDING AT THARAPADHAM, POLLATHI, KALAVOOR P O, ALAPPUZHA-688522) WA No.607 of 2023 & con. cases 8

2 THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE-II, THIRUVANANTHAPURAM - 695001 3 THE DIRECTOR OF GENERAL EDUCATION DIRECTORATE OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM - 695001 4 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION, CHENGANNUR, ALAPPUZHA DISTRICT - 5 THE DISTRICT EDUCATIONAL OFFICER OFFICE OF THE DEO, CHERTHALA, ALAPPUZHA - 688524 6 THE MANAGER HSS, KANDAMANGALAM, P.O. KADAKKARAPPALLY, CHERTHALA - 688529 BY ADVS. T.T.MUHAMOOD V.E.ABDUL GAFOOR(K/1278/2000) NAZEER HUZAIN.H(K/1166/2020) A.J.VARGHESE, SR.GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22.05.2023, ALONG WITH WA.607/2023 AND CONNECTED CASES,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WA
No.607 of 2023 & con. cases 9 P.B.SURESH KUMAR & SOPHY
THOMAS, JJ. ----- Writ Appeal Nos.607,
629, 637 and 665 of 2023 ----- Dated this
the 22nd day of May, 2023

JUDGMENT

P.B.Suresh Kumar, J.

These appeals arise from the common judgment in two writ petitions, viz, W.P.(C) No.7070 of 2022 and W.P.(C) No.9671 of 2022. As the writ petitions were disposed of by a common judgment, the appeals are also disposed of by this common judgment. Parties and documents are referred to in this judgment for convenience, as they appear in W.P.(C) No.7070 of 2022.

2. The matter relates to the appointment of

Principal of an aided Higher Secondary School. The petitioner and the fifth respondent were the rival claimants. Both the petitioner as also the fifth respondent were appointed in the WA No.607 of 2023 & con. cases 10 School as Higher Secondary School Teachers on 03.10.2000. The petitioner had earlier worked in the High School unit of the School in a short term vacancy as High School Assistant (HSA) from 28.06.1999 to 13.10.1999 before her continuous approved service as Higher Secondary School Teacher (HSST). The post of Principal of the School fell vacant on 31.03.2019. The Manager appointed the petitioner initially as Principal-in-charge of the School. Though the said appointment of the petitioner was approved by the competent authority on 12.04.2019, in terms of Ext.P6 order dated 06.05.2019, the Regional Deputy Director of Education directed the Manager to appoint the fifth respondent as the Principal of the School taking the stand that she is senior to the petitioner as per the approved seniority list of teachers of the School. Ignoring Ext.P6 order, the Manager appointed the petitioner as the Principal of the School on 29.05.2019 in the vacancy that arose on 31.03.2019. The fifth respondent, in the circumstances,

filed a representation before the Director of Higher Secondary Education seeking directions WA No.607 of 2023 & con. cases 11 to the Manager to appoint her as the Principal of the School in the vacancy that arose on 31.03.2019. On the said representation, the Director of Higher Secondary Education issued Ext.P9 order upholding the claim of the fifth respondent and directing the concerned Regional Deputy Director to give effect to Ext.P6 order. The view taken by the Director of Higher Secondary Education in Ext.P9 order is that inasmuch as the date of first appointment of both the petitioner and the fifth respondent as HSST is one and the same, in the light of the provisions contained in Rule 37(2) of Chapter XIVA of the Kerala Education Rules (the KER), the fifth respondent who is elder to the petitioner, is to be considered as senior between the two of them. The argument advanced by the petitioner that the date of first appointment of the petitioner is to be treated as the date of her appointment as HSA in the School was not accepted

in Ext.P9 order. The petitioner though challenged Ext.P9 order

before the Government in revision, the Government affirmed the said order, as per Ext.P14 order. Exts.P9 and P14 orders WA No.607 of 2023 & con. cases 12 were under challenge in the writ petition. The case set out by the petitioner in the writ petition is that she is to be considered as senior to the fifth respondent in the light of the provision in Rule 37(2) that seniority shall be decided with reference to the date of the first appointment in the School in the case of the teachers in the same grade in the same unit whose date of commencement of continuous service is the same.

3. W.P.(C) No.9671 of 2022 was one instituted by the fifth respondent seeking directions to the official respondents to implement Ext.P6 order.

4. The learned Single Judge took the view that

Rule 37 of Chapter XIVA KER cannot have any application in the matter of deciding the inter se seniority between Higher Secondary School Teachers for deciding their entitlement for appointment to the post of Principal of the School, and that in the absence of any specific provision in Chapter XXXII KER, the inter se seniority between Higher Secondary School Teachers for deciding their

entitlement for appointment to the post of WA No.607 of 2023 & con. cases 13 Principal of the School shall have to be decided based on the general principle that the older is to be considered as senior, if the date of appointment of rival claimants is one and the same. Consequently, the learned Single Judge dismissed W.P.(C) No.7070 of 2022 and allowed W.P.(C) No.9671 of 2022 directing the Manager to appoint the fifth respondent as the Principal of the School. Aggrieved by the said decision, the petitioner as also the fourth respondent, the Manager of the School have come up with these appeals.

5. Sri.V.A.Muhammed, the learned counsel for the

petitioner persuasively argued that the view taken by the authorities in Exts.P9 and P14 orders that the prior service of the petitioner as HSA cannot be reckoned for resolving the inter se dispute between the petitioner and the fifth respondent as regards their seniority in the Grade HSST in terms of Rule 37 of Chapter XIVA KER, is unsustainable in law. The learned counsel relied on the Full Bench decision of this court in Valsamma P. v. State of Kerala and Others, 2014 (4) KHC 361, wherein WA No.607 of 2023 & con. cases 14 Rule 37 of Chapter XIVA KER has been interpreted to the effect that the date of first appointment as referred to in the Rule has to be the date of appointment in the School and not to any particular grade, in support of the said argument. According to the learned counsel, in the light of the said decision, the petitioner has to be considered as senior to the fifth respondent. The learned counsel for the fourth respondent, the Manager of the school endorsed the arguments advanced by the learned counsel for the petitioner.

6. Per contra, the learned counsel for the fifth

respondent supported the impugned judgment pointing out that Rule 37 of Chapter XIVA cannot be applied to determine the inter se seniority between the petitioner and the fifth respondent in the grade HSST, and that the learned Single Judge cannot, therefore, be found fault with for having applied the general principles to uphold the claim of the fifth respondent for seniority over the petitioner, based on her age.

7. We have examined the arguments advanced by WA No.607 of 2023 & con. cases 15 the learned counsel for the parties on either side.

8. Rule 37(1) of Chapter XIVA KER dealing with

conditions of service of aided school teachers provides that seniority of a teacher in any grade in any unit shall be decided with reference to the length of continuous service in that grade in that unit. Rule 37(2) clarifies that in case of teachers in the same grade in the same unit whose date of commencement of continuous service is the same, the seniority shall be decided with reference to the date of first appointment. The said sub- rule also clarifies that if the date of first appointment is also the same, the seniority shall be decided with reference to age, the older being the senior. It is the said Rule that has been relied on by the authorities in Exts.P9 and P14 orders to hold that the fifth respondent is senior to the petitioner, rejecting the contention of the petitioner that the date of first appointment of the petitioner is to be treated as the date of her appointment as HSA. It is in the light of the aforesaid view taken by the authorities that the learned counsel for the petitioner relied on WA No.607 of 2023 & con. cases 16 the Full Bench decision this Court in Valsamma P. to contend that the date of first appointment has to be the date of appointment in the School and not to any particular grade and the petitioner, therefore, has to be considered as senior to the fifth respondent.

9. As noted, the dispute in the case on hand

relates to the rival claims made by the petitioner as also the fifth respondent for appointment to the post of Principal of the School. Chapter XXXII KER deals with the method of appointment and qualifications of teachers and non-teaching staff of aided Higher Secondary Schools. Rule 2 of Chapter XXXII provides categorically that notwithstanding anything contained in these rules, the method of appointment of the teaching and non-teaching staff in aided Higher Secondary Schools shall be as prescribed in the said Chapter. In other words, the method of appointment and qualifications prescribed for teaching and non-teaching staff in aided Higher Secondary Schools shall be construed independent of the remaining WA No.607 of 2023 & con. cases 17 provisions contained in the KER. Rule 4 of Chapter XXXII prescribes the method of appointment of posts and Rule 6 of Chapter XXXII

prescribes the qualifications for appointment to such posts. Relevant portions of Rules 4 and 6 read thus :

4. Method of Appointment:- Appointment to the various categories specified in Column (2) of the Table below shall be made by the method of appointment specified against each in column (3) thereof. TABLE Sl. No. Category Method of Appointment

(1) (2) (3)

1. Principal (1) By promotion from category 2 under the respective educational agency. OR

(2) By transfer from qualified Headmasters of Aided High Schools under the respective educational agency. Note:- (i) [x x x x]

(ii) [x x x x]

(iii) The post shall be filled up by

the methods specified in item (i) and (ii) above in the ratio 2:1. If qualified candidates are not available for appointment to a vacancy by any one of the methods specified above, such vacancies shall be filled up by the WA No.607 of 2023 & con. cases 18 other method.

2. Higher Secondary School Teacher xxxxxxxx xxxxxxxx xxxxxxxx

6. Qualifications:- No person shall be eligible for appointment

to the category in column (2) in the table below under the method specified in column (3) unless he possesses the Qualifications prescribed in the corresponding entry in column (4) there of. Sl. No. Category Method of Qualifications Appointment

(1) (2) (3) (4)

1. Principal By Promotion (1) Master's Degree with not less than 50% marks from any Universities in Kerala or a qualification recognised as equivalent thereto by

any University in Kerala.

(2) B. Ed. Degree from any Universities in Kerala or a qualification recognised as equivalent thereto by any University in Kerala.

(3) Minimum approved teaching experience of 12 years at Higher Secondary Level under the same Educational Agency.

Note - 1. In the absence of persons having qualification as specified above, approved teaching experience at High School /Upper/ Primary/Lower Primary School's under the same Educational Agency shall be considered.

2. Such experience shall be reckoned only for qualifying Service and shall not be reckoned for Seniority. WA No.607 of 2023 & con. cases 19

3. Such persons must possess a minimum Service of Six years as Higher Secondary School Teacher (Senior/Junior)"

By transfer (1) Master's Degree with not less than 50% marks from any of the Universities in Kerala or a Qualification recognised as equivalent thereto by any University in Kerala.

(2) B. Ed. Degree from any of the Universities in Kerala or qualification recognised as equivalent thereto by any University in Kerala.

(3) Minimum approved teaching

experience of 12 years under the same Educational Agency As noted, serial No.2 of the table in Rule 4 prescribes the method of appointment to the post of Higher Secondary School Teacher. As evident from Rule 4 of Chapter XXXII, even though the Rule provides that appointment to the post of Principal shall be made by promotion from the category of Higher Secondary School Teacher, it does not state that the same shall be based on seniority. Nevertheless, having regard to the scheme of the KER and with a view to avoid arbitrariness, the courts have all along been taking the stand that it is a lacuna in the Rule and WA No.607 of 2023 & con. cases 20 the appointment to the post of Principal shall be made only based on seniority. The petitioner does not dispute this proposition. Unfortunately, even

while Rule 2 of Chapter XXXII provides that the provisions in the said Chapter dealing with the method of appointment to various posts shall be construed independent of the remaining provisions contained in the KER, there is no provision in Chapter XXXII indicating the manner in which seniority of the incumbents aspiring for appointment to a particular post has to be determined. It is in this background that the authorities have relied on Rule 37 of Chapter XIVA KER for the purpose of resolving the inter se dispute between the petitioner and the fifth respondent as to the seniority in the grade HSST. In the light of the non obstante clause contained in Rule 2 of Chapter XXXII KER, Rule 37 of Chapter XIVA cannot be applied to determine the inter se seniority between Higher Secondary School Teachers aspiring for appointment to the post of Principal. That apart, Rule 6 of Chapter XXXII dealing with the qualifications for appointment to the post of Principal WA No.607 of 2023 & con. cases 21 while providing that in the absence of persons having qualifications as specified therein, approved teaching experience at High School under the same educational agency shall be considered, clarifies that such experience shall not be reckoned for seniority. In other words, the provision in Rule 37 of Chapter XIVA to determine the inter se seniority between teachers based on their date of the first appointment is contrary to the scheme of Chapter XXXII. Rule 37 of Chapter XIVA cannot have any application in the matter of determining the inter se seniority between Higher Secondary School Teachers aspiring for appointment to the post of Principal for the said reason also.

10. In Valsamma, the dispute was one relating to

the inter se seniority of two High School Assistants who aspired for appointment to the post of Headmaster and the question considered was as to the interpretation of Rule 37(2) of Chapter XIVA KER. Inasmuch it is found that Rule 37 has no application as such for deciding the dispute relating to inter se seniority of WA No.607 of 2023 & con. cases 22 Higher Secondary School Teachers, the said judgment cannot have any application.

11. If Rule 37 of Chapter XIVA cannot be applied for resolving the inter se dispute between Higher Secondary School Teachers for appointment to the post of

Principal, as rightly

held by the learned Single Judge, their inter se seniority for the

said purpose can be determined based on general principles, for it is now trite that in the absence of any rule, the general principles are to be followed for the purpose of resolving disputes. In *A. Janardhana v. Union of India*, (1983) 3 SCC 601, the Apex Court has held that in the absence of any criteria for determining inter se seniority of members belonging to a service, the rule of continuous officiation or the length of service or the date of entering in service and continuous uninterrupted service thereafter, can be resorted to. As far as the case on hand is concerned, none of the said principles could be adopted, since the petitioner and the fifth respondent were appointed and entered service on the same day. It is in the WA No.607 of 2023 & con. cases 23 aforesaid circumstances that the learned Single Judge took the view that their inter se seniority can be determined based on their age, the older being the senior. It has been held by the Apex Court in *D.P. Das v. Union of India*, (2011) 8 SCC 115 that such a basis is not fortuitous and is otherwise just and reasonable. We do not find any infirmity in the view taken by the learned Single Judge, as age is adopted as the general principle in several statutory rules which stood the test of time including the Kerala State and Subordinate Service Rules dealing with the conditions of service of the State Government Employees, in situations where the general principles as laid down by the Apex Court in *A. Janardhana* cannot be applied. The writ appeals are, therefore, devoid of merits and are accordingly dismissed. Sd/- P.B.SURESH KUMAR, JUDGE. Sd/- SOPHY THOMAS, JUDGE. YKB WA No.607 of 2023 & con. cases 24 APPENDIX OF WA 607/2023 PETITIONER ANNEXURES

Annexure A A COPY OF THE ORDER

GO(P)NO.6/2019/G.EDN. DATED 30.06.2019 Annexure B A COPY OF THE ORDINANCE NO.13 OF 2020

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