

Manager, vs State of Kerala,

Manager, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1497048

Court : Kerala

Decided On : Jul-07-2022

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/21794/2022

Appellant : Manager,

Respondent : State of Kerala,

Judgement :

& connected cases 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 7TH DAY OF JULY 2022 / 16TH ASHADHA, 1944 WP(C) NO. 21794 OF 2022 PETITIONERS: 1 MANAGER, MANJAPPARA V.H.S.S, MANJAPPARA PO, AYOOR, KOLLAM, ARUN SHAH.A.K, S/O.O.ABDUL VAHEED, AGED 40 YEARS, MANAPPARA VILA VEEDU, MANJAPPARA PO, AYUR (VIA), KOLLAM -691 533 2 MANAGER, MATHA VOCATIONAL HIGHER SECONDARY SCHOOL, VILAKKUPARA PO, EROOR, ANCHAL, KOLLAM-691 312, ARUN SHAH.A.K, S/O.O.ABDUL VAHEED, AGED

40 YEARS, MANAPPARA VILA VEEDU, MANJAPPARA PO, AYUR (VIA), KOLLAM-691 533 BY ADVS. K.MOHANAKANNAN H.PRAVEEN (KOTTARAKARA) RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001 2 DIRECTOR OF GENERAL EDUCATION, GENERAL EDUCATION DEPARTMENT, JAGATHY, THIRUVANANTHAPURAM-695014 3 THE ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, KOLLAM-691 008 & connected cases 2 4 THE ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, CHENGANNUR - 689121 SMT NISHA BOSE, SR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.07.2022, ALONG WITH WP(C).21822/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & connected cases 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 7TH DAY OF JULY 2022 / 16TH ASHADHA, 1944 WP(C) NO. 21822 OF 2022 PETITIONER: MANAGER, ST. JOHNS VOCATIONAL HIGHER SECONDARY SCHOOL , UMMANNOOR, KOTTARAKARA, KOLLAM DISTRICT - 691 520 , MARIAMMA GEORGE, D/O.LATE K.G.GEORGE, AGED 69 YEARS, PAZHINJATHUJYOTHI, UMMANNOOR PO, KOTTARAKARA, KOLLAM DISTRICT -691 520 BY ADVS. K.MOHANAKANNAN H.PRAVEEN (KOTTARAKARA) RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 2 DIRECTOR OF GENERAL EDUCATION, GENERAL EDUCATION DEPARTMENT, JAGATHY, THIRUVANANTHAPURAM-695014 3 THE ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY

EDUCATION, KOLLAM-691 008 4 THE ASSISTANT DIRECTOR,
VOCATIONAL HIGHER SECONDARY EDUCATION, CHENGANNUR -
689 121

SMT.NISHA BOSE, SR.GOVERNMENT PLEADER THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.07.2022, ALONG WITH WP(C).21794/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: & connected cases 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA
VIJAYARAGHAVAN V THURSDAY, THE 7TH DAY OF JULY 2022 /
16TH ASHADHA, 1944 WP(C) NO. 21842 OF 2022 PETITIONERS:

1 MANAGER VIVEKANANDA HIGHER SECONDARY SCHOOL &
VHSS, POREDOM PO, CHADAYAMANGALM, KOLLAM-691 534
M.BADARUDHEEN, AGED 53 YEARS, S/O. MUHAMMED HANEEFA,
NIHAL VILLA, POREDOM PO, CHADAYAMANGALM KOLLAM -691
534. 2 MANAGER, K.R.K.P,M.B.H.S & V.H.S.S, KADAMPANAD,
KADAMPANAD SOUTH PO, PATHANAMTHITTA DISTRICT -691 553
P.SREELEKSHMI, AGED 50 YEARS, W/O. S.K.ANILKUMAR,
VAISAKHOM, KADAMPANAD SOUTH PO, PATHANAMTHITTA
DISTRICT. BY ADVS. K.MOHANAKANNAN H.PRABEEN
(KOTTARAKARA)

RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2 DIRECTOR OF GENERAL EDUCATION, GENERAL EDUCATION
DEPARTMENT, JAGATHY, THIRUVANANTHAPURAM - 695014. 3 THE
ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY

EDUCATION, KOLLAM- 691 008. 4 THE ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, CHENGANNUR

& connected cases 5 - 689 121. SMT.NISHA BOSE, SR.GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.07.2022, ALONG WITH WP(C).21794/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & connected cases 6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 7TH DAY OF JULY 2022 / 16TH ASHADHA, 1944 WP(C) NO. 21856 OF 2022 PETITIONERS:

1 MANAGER KRGPMVHS & HIGHER SECONDARY SCHOOL, ODANAVATTOM, KOTTARAKKARA - 691 512, JAYADEVI T., AGED 59 YEARS, D/O.LATE K.R.BALAKRISHNA PILLAI, "KRISHNA", KAIRALI NAGAR-I, KIZHAKKEKARA, KOTTARAKKARA - 691 506. 2 MANAGER BJSM MADATHIL VHSS, THAZHAVA NORTH, KOLLAM - 690 523, L.CHANDRAMANI, AGED 79 YEARS, D/O.K.MADHAVAN PILLAI, MADATHIL HOUSE, MADATHILKARUNMA P.O., OCHIRA - 690 526. BY ADVS. K.MOHANAKANNAN H.PRAVEEN (KOTTARAKARA)

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001. 2 DIRECTOR OF GENERAL EDUCATION GENERAL EDUCATION DIRECTORATE, JAGATHY, THIRUVANANTHAPURAM - 695 014. 3 THE ASSISTANT DIRECTOR VOCATIONAL HIGHER SECONDARY EDUCATION, KOLLAM - 691 008.

& connected cases 7 4 THE ASSISTANT DIRECTOR VOCATIONAL HIGHER SECONDARY EDUCATION, CHENGANNUR - 689 121. SMT.NISHA BOSE,

SR.GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.07.2022, ALONG WITH WP(C).21794/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & connected cases 8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 7TH DAY OF JULY 2022 / 16TH ASHADHA, 1944 WP(C) NO. 21882 OF 2022 PETITIONERS: 1 PRIVATE SCHOOL (AIDED) MANAGERS ASSOCIATION, REPRESENTED BY ITS ASSISTANT GENERAL SECRETARY, THOMAS KOSHY, S/O.T.T.THOMAS, AGED 59 YEARS, RESIDING AT THAZHATHILLATH KRIPANILAYAM, VADASSERIKKARA PO, PATHANAMTHITTA-689 662. 2 THOMAS KOSHI, MANAGER, TTTMVHSS, VADASSERIKKARA PO, PATHANAMTHITTA - 689 662. 3 MANAGER, APPMVHSS, AVANEESWARAM, KUNNIKKODE PO, KOLLAM DISTRICT -691 508. 4 K.SAINABA BEEVI, MANAGER, VHSS & HSS, THADIKKAD, KOLLAM DISTRICT- 691 306.

5 SARASU GEORGE, MANAGER, ST.MARY'S VHSS, VALIYAKUNNAM, THEEYADIKKAL PO, THIRUVALLA, PATHANAMTHITTA-689 613. BY ADVS. K.MOHANAKANNAN H.PRAVEEN (KOTTARAKARA) RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, & connected cases 9 THIRUVANANTHAPURAM - 695 001. 2 DIRECTOR OF GENERAL EDUCATION, GENERAL EDUCATION DEPARTMENT, JAGATHY, THIRUVANANTHAPURAM - 695014.

3 THE ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, KOLLAM-691 008. 4 THE ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, CHENGANNUR - 689 121. SMT.NISHA BOSE, SR.GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.07.2022, ALONG WITH WP(C).21794/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING: & connected cases 10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
THURSDAY, THE 7TH DAY OF JULY 2022 / 16TH ASHADHA, 1944 WP(C) NO.
22126 OF 2022 PETITIONER: MANAGER, VOCATIONAL HIGHER
SECONDARY SCHOOL, IRIMPANAM, TRIPUNITHURA, ERNAKULAM -682309,
M.I.ANDREWS, AGED 77 YEARS, MUKKADAKKAL HOUSE, NEAR VHSS
IRIMPANAM, -682 309 BY ADVS. K.MOHANAKANNAN H.PRAVEEN
(KOTTARAKARA) RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 2
DIRECTOR OF GENERAL EDUCATION, GENERAL EDUCATION
DEPARTMENT, JAGATHY, THIRUVANANTHAPURAM-695014 3 THE
ASSISTANT DIRECTOR, VOCATIONAL HIGHER SECONDARY
EDUCATION, KOLLAM-691 008 4 THE ASSISTANT DIRECTOR,
VOCATIONAL HIGHER SECONDARY EDUCATION, 4TH FLOOR,
KUNNUPURAM - CIVIL STATION ROAD, VAZHAKKALA,
KAKKANAD, KERALA-682030 SMT NISHA BOSE, SR GOVERNMENT
PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
& connected cases 11

JUDGMENT

These writ petitions are filed challenging Circular No.L1/1598/2022 dated
08.06.2022 issued by the 3rd respondent wherein, among other conditions, it was
stipulated that while conducting the interview for the appointment of teachers in
Aided Vocational Higher Secondary Schools, the guidelines which are applicable

to Government schools are to be followed.

2. This Court, in view of the contention raised by the petitioner that the 3rd respondent had no jurisdiction to impose a condition in the nature of Ext.P6 had directed the learned Government Pleader to get instructions.

3. It is submitted by the learned Government Pleader that the

Circular which is impugned in this writ petition was withdrawn as early as on 30.06.2022. Further, it is submitted that it has also been ordered that daily wage teachers shall only be appointed as per the guidelines issued in the previous years subject to permission and gratification of the & connected cases 12 Asst.Director. In that view of the matter, the petitioners cannot have any further grievance. These writ petitions are closed. Sd/- RAJA VIJAYARAGHAVAN V JUDGE IAP & connected cases 13 APPENDIX OF WP(C) 21822/2022 PETITIONER'S EXHIBITS: Exhibit P1 TRUE COPY OF THE GO(RT)NO.2079/2017/G.EDN DATED 28/06/2017 Exhibit P2 TRUE COPY OF THE GO(MS)1841/2018/G.EDN. DATED 18-5-2018 Exhibit P3 TRUE COPY OF THE GO(RT) 2016/2019/GEDN DATED 3-6-2019 Exhibit P4 TRUE COPY OF THE GO(MS)4754/2021/GEDN DATED 22-10-2021 Exhibit P5 TRUE COPY OF THE GO(MS)88/2022/GEDN DATED 27-5-2022 Exhibit P6 TRUE COPY OF THE CIRCULAR NO.L1/1598/2022 DATED 8-6-2022 ISSUED BY THE 3RD RESPONDENT RESPONDENTS' EXHIBITS: NIL & connected cases 14 APPENDIX OF WP(C) 21842/2022 PETITIONERS' EXHIBITS: Exhibit P1 TRUE COPY OF THE GO(RT)NO.2079/2017/G.EDN DATED 28.06.2017. Exhibit P2 TRUE COPY OF GO(MS)1841/2018/G.EDN. DATED 18-5-2018. Exhibit P3 TRUE COPY OF GO(RT) 2106/2019/GEDN DATED 3-6-2019. Exhibit P4 TRUE COPY OF GO(MS)4754/2021/GEDN DATED 22- 10-2021. Exhibit P5 TRUE COPY OF THE GO(MS)88/2022/GEDN DATED 27-5-2022. Exhibit P6 TRUE COPY OF THE CIRCULAR NO.L1/1598/2022 DATED 8-6-2022 ISSUED BY THE 3RD RESPONDENT. RESPONDENTS' EXHIBITS: NIL & connected cases 15 APPENDIX OF WP(C) 21856/2022 PETITIONERS' EXHIBITS: Exhibit P1 TRUE COPY OF THE GO(RT) NO.2079/2017/G.EDN. DATED 28/06/2017. Exhibit P2 TRUE COPY OF THE GO(MS) 1841/2018/G.EDN. DATED 18/5/2018. Exhibit P3

TRUE COPY OF THE GO(RT) 2016/2019/GEDN DATED Exhibit P4 TRUE COPY OF THE GO(MS) 4754/2021/GEDN DATED Exhibit P5 TRUE COPY OF THE GO(MS) 88/2022/GEDN DATED Exhibit P6 TRUE COPY OF THE CIRCULAR NO.L1/1598/2022 DATED 8/6/2022 ISSUED BY THE 3RD RESPONDENT. RESPONDENTS' EXHIBITS: NIL & connected cases 16 APPENDIX OF WP(C) 21882/2022 PETITIONERS' EXHIBITS: Exhibit P1 TRUE COPY OF GO(RT)NO. 2079/2017/G.EDN DATED 28/06/2017. Exhibit P2 TRUE COPY OF GO(MS) 1841/2018/G.EDN. DATED 18-5-2018. Exhibit P3 TRUE COPY OF GO(RT) 2016/2019/GEDN DATED 3-6-2019. Exhibit P4 TRUE COPY OF GO(MS)4754/2021/GEDN DATED 22-10-2021. Exhibit P5 TRUE COPY OF GO(MS)88/2022/GEDN DATED 27-5-2022. Exhibit P6 TRUE COPY OF THE CIRCULAR NO.L1/1598/2022 DATED 8-6-2022 ISSUED BY THE 3RD RESPONDENT. RESPODNENTS' EXHIBITS: NIL & connected cases 17 APPENDIX OF WP(C) 21794/2022 PETITIONERS' EXHIBITS: Exhibit P1 TRUE COPY OF THE GO(RT) NO.2079/2017/G.EDN DATED 28.6.2017 Exhibit P2 TRUE COPY OF THE GO(MS)1841/2018/G.EDN. DATED 18-5-2018 Exhibit P3 TRUE COPY OF THE GO(RT)2016/2019/GEDN DATED 3-6-2019 Exhibit P4 TRUE COPY OF THE GO(MS)4754/2021/GEDN DATED 22-10-2021 Exhibit P5 TRUE COPY OF THE GO(MS)88/2022/GEDN DATED 27-5-2022 Exhibit P6 TRUE COPY OF THE CIRCULAR NO.L1/1598/2022 DATED 8-6-2022 ISSUED BY THE 3RD RESPONDENT RESPONDENTS' EXHIBITS: NIL & connected cases 18 APPENDIX OF WP(C) 22126/2022 PETITIONER'S EXHIBITS: Exhibit P1 TRUE COPY OF THE GO(RT)NO.2079/2017/ G.EDN DATED 28.6.2017 Exhibit P2 TRUE COPY OF THE GO(MS)1841/2018/G.EDN DATED 18-5-2018 Exhibit P3 TRUE COPY OF THE GO(RT)2016/2019/GEDN DATED 3-6-2019 Exhibit P4 TRUE COPY OF THE GO(MS)4754/2021/GEDN DATED 22-10-2021 Exhibit P5 TRUE COPY OF THE GO(MS)88/2022/GEDN DATED 27-5-2022 Exhibit P6 TRUE COPY OF THE CIRCULAR NO.L1/1598/2022 DATED 8-6-2022 ISSUED BY THE 3RD RESPONDENT RESPODNENTS' EXHIBITS NIL