



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 7TH DAY OF OCTOBER 2025 / 15TH ASWINA, 1947

WA NO.1832 OF 2025

AGAINST THE JUDGMENT DATED 10.01.2025 IN WP(C) NO.16983 OF
2017 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 4 AND 6:

- 1 THE MANAGER
PARUDUR HIGHER SECONDARY SCHOOL, KARAMBATHUR PO,
PALLIPURAM, PALAKKAD DISTRICT-679 306.
- 2 VINCENT K.O.
AGED 55 YEARS
AGED 55 YEARS, HSA (PHYSICAL SCIENCE), PARUDUR
HIGHER SECONDARY SCHOOL, KARAMBATHUR PO,
PALLIPURAM, PALAKKAD DISTRICT-679 306.

BY ADV SHRI.V.A.MUHAMMED

RESPONDENTS/PETITIONER AND RESPONDENTS 1, 2,3,5 AND 7:

- 1 SANTHAKUMARI K., AGED 56 YEARS
W/O.T.K.SATHEESAN, AGED 56 YEARS, HSA MATHS,
PARUDUR HIGHER SECONDARY SCHOOL, KARAMBATHUR PO,
PALLIPURAM-679 306, RESIDING AT NAVANEETHAM,
VAIKKATHUR, VALANCHERY-676 552.
- 2 DISTRICT EDUCATION OFFICER
OTTAPALAM-679 101.
- 3 DEPUTY DIRECTOR OF EDUCATION
PALAKKAD-678 001.



4 STATE OF KERALA
 REPRESENTED BY UNDER SECRETARY, GENERAL EDUCATION
 DEPARTMENT, THIRUVANANTHAPURAM-695 001.

5 HEADMASTER
 PARUDUR HIGHER SECONDARY SCHOOL, KARAMBATHUR PO,
 PALLIPURAM, PALAKKAD DISTRICT-679 306.

6 THE PRINCIPAL ACCOUNTANT GENERAL AEAUDIT
 KERALA, THIRUVANANTHAPURAM-695 001.

BY ADV SHRI.BIJU ABRAHAM

OTHER PRESENT:

SMT. NISHA BOSE

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
07.08.2025, THE COURT ON 07.10.2025 DELIVERED THE FOLLOWING:

**"C.R"****JUDGMENT****Anil K. Narendran, J.**

Respondents 4 and 6 in W.P.(C)No.16983 of 2017 have filed this writ appeal, invoking the provisions under Section 5(i) of the Kerala High Court Act, 1958 challenging the judgment dated 10.01.2025 of the learned Single Judge in that writ petition, which was one filed by the 1st respondent herein-petitioner, who retired from service on 31.05.2016, on attaining the age of superannuation, while working as HSA (Maths) in Parudur Higher Secondary School managed by the 1st appellant. In the said writ petition, the petitioner has sought for a writ of mandamus or any other appropriate writ, order or direction declaring that she is entitled for arrears of salary based on her eligibility found by the 4th respondent State in Ext.P8 order dated 30.03.2017 to the post of Headmaster, Parudur Higher Secondary School, by modifying Ext.P8 order to that extent; and a writ of mandamus commanding the 4th respondent State and the 6th respondent Accountant General (A&E), Kerala to sanction and pay the petitioner arrears of salary from 01.04.2015 till the date of retirement, in the post of Headmaster, Parudur Higher Secondary School, by holding that she



had worked as such for the said period, and order recovery of the excess amount paid by the State to the 6th respondent (2nd appellant herein) from respondents 2 to 4 and 6 in the writ petition.

2. Going by the averments in the writ petition, while the petitioner was working as HSA (Maths), there arose a vacancy of Headmaster in Parudur Higher Secondary School, with effect from 01.04.2015, consequent to the retirement of the Headmaster Sri.P.M. Aryan on 31.03.2015. Though, as on the date of occurrence of the vacancy, the petitioner, who entered service as HSA (Maths) on 25.06.1984, was fully qualified for the post of Headmaster, under the provisions of Kerala Education Rules (KER), the 4th respondent Manager (1st appellant herein), appointed the 6th respondent (2nd appellant herein) as Headmaster of the School, ignoring the eligibility and experience of the petitioner and other senior qualified teachers. The petitioner submitted Ext.P1 representation dated 31.03.2015 before the Manager and Ext.P2 representation dated 31.03.2015 before the District Educational Officer, Ottapalam. The District Educational Officer, vide Ext.P3 order dated 30.04.2015, informed the petitioner that her claim



cannot be considered since she has not acquired the test qualification under Rule 18(1) of the Kerala Right of Children to Free and Compulsory Education Rules, 2011, and no exemption is provided to aided school teachers who have attained the age of 50 years. The petitioner preferred Ext.P4 appeal dated 02.06.2015 before the Deputy Director of Education, Palakkad, which was dismissed by Ext.P5 order dated 29.09.2015. The petitioner filed Ext.P6 revision petition dated 14.11.2015 before the State. By Ext.P7 judgment dated 31.03.2016 in W.P.(C)No.12408 of 2016, a learned Single Judge of this Court directed the State to consider and pass orders on Ext.P6 revision petition, within a period of four months from the date of receipt of a copy of that judgment. Alleging willful disobedience of the directions contained in Ext.P7 judgment, the petitioner filed Cont. Case (C)No.270 of 2017. During the pendency of that contempt case, the State issued Ext.P8 order dated 30.03.2017, according sanction to approve notional promotion of the petitioner as the Headmistress of Parudur Higher Secondary School, with effect from the date on which the 6th respondent in the writ petition (2nd appellant herein) took charge as Headmaster, subject to the condition that she will not be eligible for



arrears of salary; however, her pensionary benefits shall be revised based on the notional pay. Claiming arrears of salary for the period from 01.04.2015 till 31.05.2016 in the post of Headmistress, the petitioner filed W.P.(C)No.16983 of 2017.

3. In the writ petition, the 6th respondent (2nd appellant herein), who was promoted as Headmaster of Parudur Higher Secondary School, with effect from 01.04.2015, filed a counter affidavit dated 02.07.2017, opposing the reliefs sought for, producing therewith Exts.R6(a) to R6(d) documents, by contending that his continuance as the Headmaster of the school, for the period from 01.04.2015 to 31.05.2017, is perfectly legal and valid and, therefore, he is entitled to all consequential benefits. The 1st respondent District Educational Officer filed a counter affidavit dated 30.01.2018, contending that the petitioner is not entitled to arrears of salary for the period from 01.04.2015 till 31.05.2016. The petitioner has filed a reply affidavit dated 17.02.2018.

4. After considering the rival contentions, the learned Single Judge allowed the writ petition by the judgment dated 10.01.2025, by modifying Ext.P8 order dated 30.03.2017 of the State, and directing the Manager of the School (1st appellant



herein) to pay the difference in the pay to which the petitioner (1st respondent herein) was entitled for the period from 01.04.2015 till 31.05.2016, within two months from the date of receipt of a copy of that judgment, failing which the Educational Authorities are directed to take appropriate action against the Manager, under the provisions of the Kerala Education Act and the Rules made thereunder. Paragraphs 2 to 4 and also the last paragraph of the judgment dated 10.01.2025 read thus;

"2. Having heard the learned counsel for the petitioner, the learned counsel for the 6th respondent and the learned Government Pleader, on the basis of the facts stated above, it cannot be disputed that the petitioner ought to have been appointed as the Headmistress on 01.04.2015 when the vacancy arose as she had crossed the age of 50 and therefore not required to pass the KER test and the Accounts test. The refusal to appoint the petitioner was clearly wrong, as rightly found by the Government in Ext.P8 order, which is challenged only by the petitioner. There cannot be any doubt that the refusal to appoint the petitioner as the Headmistress on 01.04.2015 was contrary to the statutory provisions in force at the time. Since the petitioner was prevented from working as Headmistress, for no fault of the petitioner, the contention of the learned counsel for the 4th and 6th respondents that the petitioner need not be paid the monetary benefits as she did not work as the Headmistress, cannot be accepted.



3. The action of the Manager in not appointing the petitioner and instead appointing the 6th respondent was wrong as found by the Government in Ext.P8 order which has become final. Under such circumstances, the direction in Ext.P8, which is impugned in the writ petition, is modified, and there will be a direction to the 4th respondent Manager to pay the difference of the pay to which the petitioner was entitled from 01.04.2015 till 31.05.2016. A direction is not being passed against the Government, as it had already paid the 6th respondent, who was wrongly appointed by the Manager. The 6th respondent is the beneficiary of the wrong action of the 4th respondent.

4. The 4th respondent shall pay the monetary benefits due to the petitioner, as stated above, within two months from the date of receipt of the copy of the judgment, failing which the Educational Authorities, Respondents 1 to 3, shall take appropriate action under the provisions of the Kerala Educational Act and Rules to ensure compliance with the directions of this Court.

Ext P8 order is modified and the writ petition is allowed as above."

5. Challenging the judgment dated 10.01.2025 of the learned Single Judge in W.P.(C)No.16983 of 2017, respondents 4 and 6 in the writ petition are before this Court in this writ appeal, which was one filed along with C.M.Appl.No.2 of 2025 to condone the filing delay of 82 days. The 1st respondent-petitioner has filed a



counter affidavit dated 28.07.2025 in C.M.Appl.No.1 of 2025, producing therewith Annexures R1(A) to R1(H) documents. The filing delay was condoned by the order dated 29.07.2025 in C.M.Appl.No.2 of 2025.

6. We heard arguments of the learned counsel for the appellants-respondents 4 and 6, the learned counsel for the 1st respondent-writ petitioner and also the learned Senior Government Pleader for respondents 2 to 4 and 6.

7. The learned counsel for the appellants-respondents 4 and 6 contended that the judgment dated 10.01.2025 of the learned Single Judge in W.P.(C)No.16983 of 2017 is opposed to the law and facts of the case, which is liable to be set aside in this writ appeal. Though the second proviso to Rule 44A(1), Chapter XIVA of KER, was substituted by G.O.(P)No.96/97/GEdn dated 17.03.1997, with effect from 02.03.1982, the 1st appellant Manager got oral advice from the Educational Office that the said proviso applies only to those teachers as on the date of introduction of the said proviso. Therefore, the Manager preferred the 2nd appellant (6th respondent in the writ petition) to the post of Headmaster of Parudur Higher Secondary School. Instead of challenging the approval granted by



the District Educational Officer, Ottapalam, the petitioner (1st respondent herein) submitted Ext.P2 representation before the District Educational Officer, which was rejected by Ext.P3 order, which was affirmed by the Deputy Director of Education, Palakkad in Ext.P5 order. However, the Government revised the said orders by Ext.P8 order dated 30.03.2017 in the revision petition filed by the 1st respondent herein, and accorded sanction to approve the notional promotion of the said respondent as the Headmistress of the School, with effect from 01.04.2015. Since she did not work as Headmistress of the School, the Government rightly found that she would not be eligible for arrears of salary for the period from 01.04.2015 till 31.05.2016. The learned Single Judge committed a grave error while interfering with Ext.8 Government order and directing the Manager of the School to pay her arrears of salary for the period from 01.04.2015 till 31.05.2016.

8. The learned counsel for the 1st respondent-petitioner contended that the reasoning of the learned Single Judge in the impugned judgment dated 10.01.2025 in W.P.(C)No.16983 of 2017, which is neither perverse nor patently illegal, warrants no interference in this writ appeal. The learned counsel pointed out



Annexure R1(A) declaration given by the Manager of the School dated 01.04.2015. The learned Senior Government Pleader for respondents 2 to 4 and 6 pointed out the provisions contained in Rule 7, Chapter III and Rules 1 and 7, Chapter XIVA of KER.

9. Chapter XIVA of KER deals with the conditions of service of aided school teachers. As per sub-rule (1) of Rule 1, Chapter XIVA of KER, the Managers of private schools shall appoint only candidates who possess the prescribed qualification. As far as High School classes are concerned, the appointment shall be made with due regard to the requirement of subjects, as determined by the Director of Public Instruction, with reference to the curricula of studies. Whenever a vacancy occurs, the Manager shall follow the directions issued by the Government from time to time for ascertaining the availability of qualified hands, and for filling up the vacancy. The words 'Director of Public Instructions' in the second sentence of sub-rule (1) of Rule 1 were substituted by the word 'Director', by Rule 11(i) of the Kerala Education (Amendment) Rules, 2019, with effect from 31.05.2019.

10. As per Rule 7, Chapter XIVA of KER, as soon as a teacher is appointed in a school, the Manager shall immediately



issue an appointment order to the teacher in Form 27, and the appointment shall be effective from the date on which the teacher is admitted to duty, provided the appointment is duly approved. The appointment order in Form 27 is extracted hereunder;

FORM 27
[See Rule XIVA – 7]
APPOINTMENT ORDER

Station:

Date:

Shri (name and address of teacher)
..... is appointed as a permanent/probationary/
acting teacher under this management on a pay of Rs.
..... per mensem in the scale of Rs. and is posted
as (Designation) in the (Name of
school) from to in the vacancy of
who has

This appointment is subject to the provisions of the Kerala Education Act and the Rules thereunder and such other rules or orders issued from time to time by the Government or other competent authority.

Certified that there is no qualified teacher existing in service under this Educational Agency who is eligible for promotion to the vacancy for which the above appointment is made.

Signature of Manager

Signature of Teacher

The appointment is approved.

Certified that the above appointment has been made after satisfying that no qualified person retrenched from any of the aided high schools in the Education District or aided primary Schools in the Education Sub-districts after putting in 2 years of service and drawing 2 vacation salaries is available for absorption to the post in the school.

Signature and Designation of
Educational Officer



A reading of Form 27 would show that, in the appointment order issued as per the requirements of Rule 7, Chapter XIVA of KER, the Manager of the school has to certify that there exists no qualified teacher in service under that Educational Agency, who is eligible for promotion to the vacancy for which the appointment is made.

11. As per sub-rule (1) of Rule 44, Chapter XIVA of KER, the appointment of Headmasters shall ordinarily be according to seniority from the seniority list prepared and maintained under clauses (a) and (b), as the case may be, of Rule 34. The Manager will appoint the Headmaster, subject to the Rules laid down in the matter. A teacher, if he is aggrieved by such an appointment, will have the right of appeal to the Department. As per Note to sub-rule (1) of Rule 44, whenever the Manager intends to appoint a person as Headmaster, other than the senior claimant, the Manager shall obtain a written consent from such senior claimant renouncing his claim permanently. Such consent shall have the approval of the Educational Officer concerned. In sub-rule (1) of Rule 44 and the Note thereto, after the words 'Headmasters' and 'Headmaster', wherever they occur, the words 'Headmistresses and Vice-Principals' and 'Headmistress and Vice-Principal' respectively were



inserted by Rule 11(xv) of the Kerala Education (Amendment) Rules, 2019, with effect from 31.05.2019.

12. As per sub-rule (1) of Rule 44A, Chapter XIVA of KER, subject to the provisions contained in sub-rule (1) of Rule 44, the minimum service qualification for appointment as Headmaster in aided complete high schools/training schools shall be twelve years of continuous graduate service with a pass in the test in Kerala Education Act and the Kerala Education Rules and a pass in Account Test (Lower) conducted by Kerala Public Service Commission. The words 'and a pass in Account Test (Lower) conducted by Kerala Public Service Commission' in sub-rule (1) of Rule 44A were added by the Kerala Education (Amendment) Rules, 1976, with effect from 31.08.1976. As per the first proviso to sub-rule (1) of Rule 44A, substituted by the Kerala Education (Amendment) Rules, 1976, with effect from 31.08.1976, Headmasters of high schools and training schools, who were actually holding the said post on the 11th day of June, 1974, shall stand exempted from passing the Account Test (Lower). As per the second proviso to sub-rule (1) of Rule 44A, inserted by the Kerala Education (Amendment) Rules, 1997, with effect from 02.03.1982, teachers who have attained the



age of 50 years shall stand exempted permanently from acquiring the test qualification specified in sub-rule (1). As per the third proviso inserted to sub-rule (1) of Rule 44A, Chapter XIVA of KER, by the Kerala Education (Amendment) Rules, 2015, with effect from 01.06.2015, notwithstanding anything contained in the second proviso, in the case of appointment to the post of Headmaster, preference shall be given to those teachers who have acquired the test qualifications specified in sub-rule (1) of Rule 44A. In Rule 44A, after the words 'Headmaster' and 'Headmasters', wherever they occur, the words and symbols 'Headmistress, Vice-Principal' and 'Headmistresses, Vice-Principals' respectively were inserted by Rule 11(xvi) of the Kerala Education (Amendment) Rules, 2019, with effect from 31.05.2019.

13. In the instant case, as on the date of occurrence of the vacancy, i.e., as on 01.04.2015, the 1st respondent-petitioner, who attained the age of 50 years on 21.05.2010, stands exempted permanently from acquiring the test qualification specified in sub-rule (1) of Rule 44A, Chapter XIVA of KER, in view of the provisions contained in the second proviso to sub-rule (1) of Rule 44A, which was inserted by the Kerala Education (Amendment) Rules, 1997,



with effect from 02.03.1982. Instead of appointing the 1st respondent-petitioner, who was the senior-most claimant with more than 12 years of continuous graduate service, who was exempted permanently from acquiring the test qualification specified in sub-rule (1) of Rule 44A, in view of the provisions contained in the second proviso to sub-rule (1) of Rule 44A, the 1st appellant Manager appointed the 2nd appellant (6th respondent in the writ petition) as the Headmaster of Parudur Higher Secondary School, with effect from 01.04.2015. The third proviso to sub-rule (1) of Rule 44A, which provides for preference to those teachers who have acquired the test qualifications specified in sub-rule (1) of Rule 44A, was inserted to sub-rule (1) of Rule 44A, by the Kerala Education (Amendment) Rules, 2015, with effect from 01.06.2015, only after the date of occurrence of the vacancy. The 1st appellant Manager appointed the 2nd appellant as the Headmaster of Parudur Higher Secondary School, with effect from 01.04.2015, openly flouting the requirements of the statutory provisions referred to hereinbefore, and overlooking the legitimate claim of the 1st respondent-petitioner. Therefore, the 1st respondent-petitioner is legally entitled to payment of arrears of salary (difference in the



pay) for the period from 01.04.2015 till 31.05.2016. Since the 1st respondent-petitioner was prevented from working as the Headmistress of the school for the period from 01.04.2015 till 31.05.2016, by arbitrarily denying her appointment to that post with effect from 01.04.2015, she cannot be denied payment of arrears of salary (difference in the pay) for the said period. Therefore, the learned Single Judge rightly interfered with Ext.P8 Government order dated 30.03.2017, to the extent the said order denied her payment of arrears of salary (difference in the pay) for the period from 01.04.2015 till 31.05.2016.

14. Chapter III of KER deals with the management of private schools. Rule 7, Chapter III of KER provides for action against the Manager or Educational Agency in the event of mismanagement, etc. As per sub-rule (1) of Rule 7, in the event of mismanagement, malpractice, corruption or maladministration, gross negligence of duty, or disobedience of Departmental instruction on the part of the Manager or denial of appointment to a qualified thrown out teacher who has a rightful claim for reappointment by virtue of his/her holding the post earlier or denial of promotion to a teacher who is rightful claimant for promotion by the manager or conviction of the



Manager for an offence involving moral turpitude it shall be open to the Director, after giving the Manager a reasonable opportunity to show cause against the action proposed to be taken and after due enquiry, to declare him unfit to hold the office of Manager in the school or in any other aided school and to require the educational Agency to appoint a suitable person as Manager. As per Note to sub-rule (1) of Rule 7, the enquiry mentioned in sub-rule (1) shall not be necessary in the case of conviction for an offence involving moral turpitude by a court of law.

15. As per the provisions contained in sub-rule (4) of Rule 7, Chapter III of KER, in the case of a Manager who commits serious irregularities enumerated in clauses (a) to (d) of sub-rule (4) causing monetary loss to teachers/Government, the loss sustained by teachers/Government shall be recoverable from the Manager under the provisions of the Revenue Recovery Act, for the time being in force, as if it is an arrear of public revenue due on land. Clause (b) of sub-rule (4) of Rule 7 reads thus;

“(b) Denial of promotion to a teacher to any higher grade of pay under Rules 43, 43B or 43C, as the case may be, of Chapter XIVA, or denial of promotion to the senior-most rightful claimant to the post of Headmaster under Rules 44 or



45 or 45A, as the case may be, of Chapter XIVA, when the post becomes vacant, disobeying the directions from the department and/or Government, causing denial of all monetary benefits which he/she would have got had the promotion been effected as per rules in time.”

(underline supplied)

In clause (b) of sub-rule 4 of Rule 7, after the word 'Headmaster', the words 'or Headmistress or Vice-Principal' were inserted by Rule 2(ii) of the Kerala Education (Amendment) Rules, 2019, with effect from 31.05.2019. As per sub-rule (5) of Rule 7, after having effected such recovery, the amount of loss sustained by the teacher concerned shall be paid to him, if not already paid.

16. A reading of the provisions under Rule 7, Chapter III of KER would show that sub-rule (1) of Rule 7 deals with the procedure required to be followed to declare the Manager unfit to hold the office of Manager in the school or in any other aided school and to require the educational Agency to appoint a suitable person as Manager, in the event of mismanagement, malpractice, corruption or maladministration, gross negligence of duty, or disobedience of Departmental instruction on the part of the Manager or denial of appointment to a qualified thrown out teacher who has a rightful claim for reappointment by virtue of his/her



holding the post earlier or denial of promotion to a teacher who is rightful claimant for promotion by the manager or conviction of the Manager for an offence involving moral turpitude, after giving the Manager a reasonable opportunity to show cause against the action proposed to be taken and after due enquiry. As per Note to sub-rule (1) of Rule 7, the enquiry mentioned in sub-rule (1) shall not be necessary in the case of conviction for an offence involving moral turpitude by a court of law. On the other hand, as per sub-rule (4) of Rule 7, in the case of a Manager who commits serious irregularities enumerated in clauses (a) to (d) of sub-rule (4) causing monetary loss to teachers/Government, the loss sustained by teachers/Government shall be recoverable from the Manager under the provisions of the Revenue Recovery Act, for the time being in force, as if it is an arrear of public revenue due on land. The denial of promotion to the senior-most rightful claimant to the post of Headmaster under Rules 44 or 45 or 45A, as the case may be, of Chapter XIVA, when the post becomes vacant, disobeying the directions from the department and/or Government, causing denial of all monetary benefits which he/she would have got had the promotion been effected as per rules in time, falls under clause



(b) of sub-rule (4) of Rule 7, Chapter III of KER. As per sub-rule (5) of Rule 7, after having effected such recovery, the amount of loss sustained by the teacher concerned shall be paid to him, if not already paid. An enquiry as provided in sub-rule (1) of Rule 7 is not a requirement for recovering from the Manager the loss sustained by teachers/Government on account of any of the irregularities enumerated in clauses (a) to (d) of sub-rule (4) of Rule 7, Chapter III of KER.

17. Along with the counter affidavit dated 28.07.2025 filed in C.M.Appl.No.1 of 2025, the 1st respondent-petitioner has placed on record Annexure R1(A) declaration dated 01.04.2015 given by the 1st appellant Manager, in the Form prescribed in G.O.(Ms.)No. 258/90/G.Edn. dated 15.12.1990. In Annexure R1(A) declaration, the 1st appellant Manager made a declaration that all senior claimants as per Rules 43 and 51A of Chapter XIVA of KER have been given appointments in regular posts of UPSA or HSA or respective category, as on the date of appointment of Sri.Vincent K.O., HSA (Physical Science) as Headmaster in Parudur High School from 01.04.2015. On the strength of the above declaration, the 1st appellant Manager requested the District Educational Officer to



approve the appointment of Sri.Vincent K.O. as Headmaster, as early as possible, on the distinct undertaking that he and his Educational Agency would be held personally responsible if any irregularity is noticed on further super check, or by the Audit and that he shall be responsible to rectify the same without detrimental to the departmental officers who are involved in the approval of appointment based on this undertaking. The 1st appellant Manager has also undertaken that the loss sustained by a senior teacher or the Government due to any erroneous action of denial of appointment to a rightful claimant will be recoverable from the Manager (Educational Agency) under the provisions of the Revenue Recovery Act, for the time being in force, as if it is an arrear of public revenue due on land, vide Rule 7, Chapter III KER.

18. As already noticed hereinbefore at paragraph 13, the 1st appellant Manager appointed the 2nd appellant (6th respondent in the writ petition) as the Headmaster of Parudur Higher Secondary School, with effect from 01.04.2015, openly flouting the requirements of the statutory provisions contained in Rules 44 and 44A, Chapter XIVA of KER, and overlooking the legitimate claim of the 1st respondent-petitioner. The 1st appellant Manager secured



approval for the appointment of the 2nd appellant as Headmaster of the School by giving a declaration in Annexure R1(A) that all senior claimants have been given appointments in regular posts as on 01.04.2015. As per the said declaration, the 1st appellant Manager is personally responsible for any irregularity noticed in the said appointment. The 1st appellant Manager has also undertaken in Annexure R1(A) that any loss sustained by a senior teacher or the Government due to any erroneous action of denial of appointment to a rightful claimant can be recovered from the Manager under the provisions of the Revenue Recovery Act, as if it is an arrear of public revenue.

19. In the above circumstances, we find no reason to interfere with the direction contained in the judgment of the learned Single Judge dated 10.01.2025 in W.P.(C)No.16983 of 2017, whereby the 1st appellant Manager is directed to pay arrears of salary (difference in the pay) due to the 1st respondent-petitioner for the period from 01.04.2015 till 31.05.2016, and the further direction to respondents 2 to 4 herein to take appropriate action under the provisions of the Kerala Education Act and the Rules made thereunder, to ensure compliance with the above



direction. We make it clear that in the event of the 1st appellant Manager not complying with the direction contained in the judgment dated 10.01.2025 of the learned Single Judge, within a period of one month from the date of receipt of a certified copy of this judgment, respondents 2 to 4 herein shall take necessary steps to recover the said amount from the Manager, invoking the provisions under sub-rule (4) of Rule 7, Chapter III KER. Respondents 2 to 4 shall ensure payment of the said amount to the 1st respondent-petitioner, within a further period of two months.

In the result, the writ appeal fails and the same is accordingly dismissed, subject to the directions contained hereinbefore.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

bkn/-

APPENDIX OF WA 1832/2025

RESPONDENT ANNEXURES

ANNEXURE R1(A)	A true copy of the declaration given by the 1st appellant (manager) before the Education Department dated 01-04-2015
ANNEXURE R1(B)	A true copy of the letter forwarding judgment in W.P.(C) No.16983/2017 to the appellant dated 25-01-2025
ANNEXURE R1(C)	A true copy of the demand for monitory benefits submitted by the 1st respondent to the appellant dated 10-02-2025
ANNEXURE R1(D)	A true copy of the letter given by the 1st respondent to the Headmaster of the school dated 10-02-2025
ANNEXURE R1(E)	A true copy of the communication given by the Headmaster to the 1st respondent dated 17-02-2025
ANNEXURE R1(F)	A true copy of the communication dated 25-02-2025 with statement of claim by the 1st respondent to the Headmaster
ANNEXURE R1(G)	A true copy of the minutes of the meeting held by the 1st appellant (manager) on 07-04-2025
ANNEXURE R1(H)	A true copy of the request submitted by the 1st respondent before the Headmaster dated 21-06-2025