

(2026) 01 KL CK 1675
In the High Court Of Kerala
Case No : Writ Appeal No. 2118 Of 2025

Chithralekha V Headmistress, Thillenkeri Up School,
Thillenkeri Post, Kannur District, Pin - 670702

APPELLANT

Vs

Renjitha P

RESPONDENT

Date of Decision : 14-01-2026

Acts Referred:

Kerala High Court Act, 1958 — Section 5(i)
Kerala Education Rules, 1959 — Rule 2(7)(a), 7(2), 8A, 12(6)

Citation : (2026) 01 KL CK 1675

Hon'ble Judges : Anil K. Narendran, J; Muralee Krishna S., J

Bench : Division Bench

Advocate : K.R.Ganesh, Elvin Peter P.J., Adarsh Babu C.S., Ahsana E., Ashik J. Varghese, Nisha Bose, Poovamulle Parambil Abdul Kareem

Final Decision : Dismissed

Judgement

Anil K. Narendran, J

1. The appellant is the 5th respondent in W.P.(C)No.23529 of 2025, which was one filed by the 1st respondent herein-petitioner, invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the 3rd respondent Director of General Education to take up, consider and pass appropriate orders on Ext.P16 revision petition dated 07.05.2025 made by the petitioner, invoking the provisions under Rule 8A Chapter XIVA of the Kerala Education Rules, 1959 (KER), after advertting to Rule 45C of Chapter XIVA of KER, as expeditiously as possible; a writ of certiorari to quash Ext.P7 order dated 03.01.2025 and Ext.P15 order dated 28.04.2025 of the 4th respondent Assistant Educational Officer, Iritty, as they are illegal, arbitrary and in violation of the Rules in KER; a declaration that the petitioner is eligible for promotion to the post of Headmistress of Thillenkeri U.P. School, Kannur District, as she is fully qualified for the said post as on the date of occurrence of vacancy, as per Ext.P1 order of appointment dated 01.06.2005, Ext.P2 order of

approval dated 17.09.2019, Exts.P3 and P4 certificates of departmental tests; a writ of mandamus commanding the 4th respondent Assistant Educational Officer to promote the petitioner as Headmistress of Thillenkeri U.P. School from the date of occurrence of vacancy, i.e., 01.04.2022 forthwith; and a declaration that the 5th respondent in the writ petition, i.e., the appellant herein is not entitled to continue as Headmistress of Thillenkeri U.P. School, as she is not qualified for the post as on the date of occurrence of vacancy, i.e., 01.04.2022.

2. On 27.06.2025, when W.P.(C)No.23529 of 2025 came up for admission, the learned Single Judge disposed of the same, directing the 3rd respondent Director of General Education to decide Ext.P16 appeal [sic: revision petition] filed by the petitioner, in accordance with law, expeditiously, preferably within a period of three months.

3. Challenging the judgment dated 27.06.2025 of the learned Single Judge in W.P. (C)No.23529 of 2025, the appellant-5th respondent is before this Court in this writ appeal, invoking the provisions under Section 5(i) of the Kerala High Court Act, 1958. This writ appeal is one filed along with C.M.Application No.1 of 2025 seeking an order to condone the filing delay of 27 days, which was condoned by the order dated 18.11.2025.

4. Heard arguments of the learned counsel for the appellant-5th respondent, the learned counsel for the 1st respondent-petitioner and also the learned Senior Government Pleader for respondents 2 to 4.

5. The issue that requires consideration in this writ appeal is as to whether any interference is warranted in the direction contained in the judgment dated 24.06.2025 of the learned Single Judge in W.P.(C)No.23529 of 2025, whereby the Director of General Education has been directed to take a decision on Ext.P16 revision petition filed by the 1st respondent-writ petitioner, within a time limit specified in that judgment.

6. The argument advanced by the learned counsel for the appellant-5th respondent is that Ext.P16 revision petition filed by the 1st respondent-petitioner is not maintainable before the 3rd respondent Director of General Education. In such circumstances, the learned Single Judge went wrong in directing the said respondent to consider and pass orders on Ext.P16 revision petition.

7. On the other hand, the learned counsel for the 1st respondent-petitioner and also the learned Senior Government Pleader for respondents 2 to 4 would contend that the statutory remedy available to the 1st respondent-petitioner, against the order of approval granted to the appointment of the appellant-5th respondent as Headmistress of Thillenkeri U.P. School, is to file a revision petition before the 3rd respondent Director of General Education, invoking the provisions under Rule 8A of Chapter XIVA of KER.

8. As per Rule *[2(7)(a)] of Chapter I of KER, 'Teacher' includes the Headmaster, Headmistress, Vice-Principal and Principal. Chapter XIVA of KER deals with the

conditions of service of aided schools teachers. Rule 8 of Chapter XIVA of KER reads thus;

"8(1) The appointment order signed by the Manager and the teacher along with other documents, as required by the Director, from time to time, shall be submitted by the Manager to the educational officer for approval through "SAMANWAYA", the web portal provided by the Department of General Education for the purpose of approval of appointment and fixation of the staff strength in the schools, within fifteen days from the date of joining duty of the appointee in the manner prescribed by the Director.

Provided that where the Manager fails to forward the appointment order within the time specified above, he may apply to the Deputy Director (Education) in the case of delay up to six months or to the Director in other cases, for condonation of such delay and thereupon the Deputy Director (Education) or the Director as the case may be for reasons to be recorded in writing condone the delay.

Provided further that the appointment order and the time limit specified in the sub-rule shall not be insisted in the case of conversion of part-time post into full time as per staff fixation and the filling up such post by promotion.

(1A) The District Educational Officer or the Assistant Educational Officer concerned shall after making such enquiries as he may deem necessary, shall issue orders converting the posts of part-time language teachers into full time language teachers on the basis of the proposals received from the Managers for such conversion of posts.

(2) The Educational Officer on receipt of the appointment order and other records mentioned in sub-rule (1) may approve the appointment through SAMANWAYA if it is in accordance with the provisions of the Act, the Rules and orders issued by the Government or the Director from time to time. After approval, one copy shall be forwarded by the Educational Officer to the Manager and four copies to the Headmaster or Headmistress or Vice-Principal, as the case may be, so as to give a copy to the teacher and the remaining copies for various official purposes. The approval may be given as expeditiously as possible at any rate not later than 30 days from the date of receipt of the appointment order and other documents mentioned in sub-rule (1).

Provided that the additional posts sanctioned in terms of sub-rule (6) of Rule 12 of chapter XXIII shall be filled up only in terms of sub-rule (2) of Rule 7 of chapter XXI.

(3) If the approval of appointment is declined for any reasons the order declining approval showing reasons thereof shall be communicated to the teacher through the Manager.

(4) If the appointment order and other required particulars are not forwarded in the manner prescribed by Director within the time specified in sub-rule (1), it shall be deemed that no such appointment has taken effect.

(5) An appeal shall lie against the order declining approval of appointment issued by the Assistant Educational Officer or the District Educational Officer to the District Educational Officer or the Deputy Director (Education), as the case may be. The decision of the appellate authority shall be final.

(6) No appeal shall be entertained unless it is preferred within 15 days from the date of receipt of the order appealed against.

(7) The manager shall give effect to the orders passed by the appellate authority forthwith.

(8) The violation of these provisions will be one of the grounds for withdrawal of recognition under Rule 23 of Chapter V and action under Rule 7 of Chapter III of the Kerala Education Rules." (underline supplied)

9. By the Kerala Education (Amendment) Rules, 1978, notified vide G.O. (P)No.78/78/G.Edn. dated 21.06.1978, Rule 8A was added after Rule 8 in Chapter XIVA of KER. Rule 8A reads thus;

"8A. The Director may, on his own motion or otherwise, call for records of the orders relating to approval of appointments issued by the Subordinate Officers and revise the same:

Provided that order affecting the interest of a person shall not be passed under this rule unless the person concerned has been given an opportunity of making any representation which he may wish to make against such orders."

10. The Explanatory Note to G.O.(P)No.78/78/G.Edn. dated 21.06.1978 reads thus;

"Rule 8 of Chapter XIVA of the Kerala Education Rules, 1959 provides that an appeal shall lie against the order declining approval of appointment issued by the Assistant Educational Officer or the District Educational Officer to the District Educational Officer or the Regional Deputy Director of Public Instruction, as the case may be, and that the decision of the appellate authority shall be final. It has now been decided to give revisional powers in this regard to the Director of Public Instruction also. Hence this amendment."

11. A reading of the provisions under Rule 8 and Rule 8A of Chapter XIVA of KER would make it explicitly clear that, sub-rule (5) of Rule 8 provides for an appeal against the order declining approval of appointment issued by the Assistant Educational Officer or the District Educational Officer to the District Educational Officer or the Deputy Director (Education), as the case may be, whereas, in view of the provisions under Rule 8A, added vide the Kerala Education (Amendment) Rules, 1978, the Director may, on his own motion or otherwise, call for records of the orders relating to approval of appointments issued by the Subordinate Officers and revise the same. Therefore, orders relating to approval of appointments issued by the Subordinate Officers, including the orders passed by the appellate authority in an appeal filed under sub-rule (5) of Rule 8, against

the order declining approval of appointment issued by the Assistant Educational Officer or the District Educational Officer, as the case may be, are revisable under Rule 8A of Chapter XIVA of KER, by the Director of General Education.

12. The learned counsel for the 1st respondent-petitioner would point out the provisions under sub-rule (3) of Rule 44 of Chapter XIVA of KER. Rule 44 of Chapter XIVA of KER reads thus;

"44. The appointment of Headmasters, Headmistresses and Vice-Principals 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, Headmistress and Vice-Principal subject to the Rules laid down in the matter. A teacher, if he is aggrieved by such appointment, will have the right of appeal to the Department. Note:- Whenever the Manager intends to appoint a person as Headmaster, Headmistress and Vice-Principal 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.

(2) An appeal under sub-rule (1) shall lie to the Educational Officer.

(3) A second appeal shall lie to the District Educational Officer against the order of the Assistant Educational Officer passed on an appeal preferred under sub-rule (2). In the case of an order passed by the District Educational Officer under sub-rule (2), the second appeal shall lie to the Deputy Director (Education).

(4) No appeal or second appeal preferred under these rules shall be entertained unless it is preferred within one month of the date of receipt of the order appealed against." (underline supplied)

13. A reading of the provisions under Rule 44 of Chapter XIVA of KER would make it explicitly clear that, under sub-rule (1) of Rule 44, a teacher, if he is aggrieved by the appointment of Headmaster, Headmistresses or Vice-Principal by the Manager, will have the right of appeal to the Department. In view of the provisions under sub-rule (2) of Rule 44, an appeal under sub-rule (1) shall lie to the Educational Officer. Sub-rule (3) of Rule 43 provides for a second appeal before the District Educational Officer, against the appellate order of the Assistant Educational Officer, and before the Deputy Director (Education), against the appellate order of the District Educational Officer. Therefore, the appeal provided under sub-rule (1) of Rule 44 and the second appeal provided under sub-rule (3) of Rule 44 are against the order of appointment of Headmaster, Headmistresses or Vice-Principal by the Manager.

14. As already noticed hereinbefore, orders relating to approval of appointments issued by the Subordinate Officers, including the orders passed by the appellate authority in an appeal filed under sub-rule (5) of Rule 8 of Chapter XIVA KER, against the order declining approval of appointment issued by the Assistant Educational Officer or the District Educational Officer, as the case may be, are

revisable under Rule 8A, by the Director of General Education. In such circumstances, we find absolutely no merit in the contention raised by the appellant-5th respondent on the maintainability of Ext.P16 revision petition filed by the 1st respondent-petitioner, which is pending consideration before the 3rd respondent Director of General Education.

15. In the result, this writ appeal fails, and the same is accordingly dismissed.

The 3rd respondent Director of General Education shall consider and pass appropriate orders on Ext.P16 revision petition filed by the 1st respondent-petitioner, strictly in accordance with law, with notice to both sides, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a certified copy of this judgment.