
(1994) 05 KL CK 0003
In the High Court Of Kerala
Case No : O.P. No. 6254 of 1994

Methri M.C.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 06-05-1994

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1994) 05 KL CK 0003

Hon'ble Judges : K.G. Balakrishnan, J

Bench : Single Bench

Advocate : P.K. Sivadasan Nair, for the Appellant; V. Bhaskara Menon, Government Pleader, for the Respondent

Judgement

K.G. Balakrishnan, J.—Petitioner is a Headmistress in the Government High School, Chandiroor. Petitioner challenges the constitutional validity of Rule 60(c) of Part I, K.S.R. which says that the teaching staff of all educational institutions (including Principals of Colleges) who attain the age of 55 years falls within the period of one month beginning with the day of re-opening of the institutions they shall cease to be on duty with effect from the date of such re-opening and they shall be granted additional leave from the date of re-opening to the last day of the month in which they attain the age of 55 years and that they shall be entitled to the benefit of increment if it falls due before the actual date on which they attain the age of 55 years. According to the Petitioner, the above rule is illegal and violates Article 14 of the Constitution. It is contended that the teachers are to be treated as a class and those who attain superannuation on any day during the academic year shall be allowed to continue in service till the end of that academic year just as provided under Rule 60(c) of Part I, K.S.R. According to the Petitioner, there is no reasonable classification and the persons like Petitioners who attained the age of 55 years during the middle of June are forced to take leave and they are compulsorily removed from service. It is also pointed out that there is no uniformity in the closing date and the re-opening date of the educational institutions and the rule is, thus, arbitrary.

2. I heard the Petitioners Counsel. It may be noticed that under Rule 60 of Part I, K.S.R. all Government servants will retire on superannuation on the last day of the month in which they attain the age of 55 years. As regards the teaching staff of educational institutions, an exemption is made to the rule to protect the interests of the pupils. If large number of teachers are allowed to retire at the age of 55 years it may cause serious dislocation to the functioning of the school. In some schools several teachers may retire and the authorities will find it difficult to provide alternate hands and the teaching staff of certain subjects would practically come to an end. The retirement of Headmasters also would cause serious administrative impediments. Anticipating all these difficulties, in the field of educational administration the authorities thought it fit to allow the members of the teaching staff to retire at the end of the academic year provided they complete the age of 55 years during the course of an academic year.

3. However, in the case of those members of the teaching staff who attain the age of 55 years within the period of one month beginning from the date of re-opening of the institution they shall cease to be on duty with effect from the date of such re-opening and they shall be granted additional leave from the date of re-opening to the last day of the month in which they attain the age of 55 years. The above proviso is also intended to have a smooth functioning of the school. If the school reopens in the month of June the retirement and consequent reposing would be made with effect from the first day of June of that academic year. Persons like Petitioner are not in any way prejudiced by this rule. They are allowed all service benefits which are attached to their post as if they continued in service till the last day of the month in which they attain the age of 55 years. The rule is intended to protect the interests of the students and there is no illegality in making such classification amongst the teachers in the matter of retirement. Petitioner has no light to continue in service after the age of 55 years. In the instant case, the Petitioner is given all service benefits till the last day of the month in which she attained the age of 55 years. The classification is made on rational basis and intended to achieve a public purpose. It is not irrational or arbitrary.

4. The attack of the Petitioner against Rule 60(c) of Part I, K.S.R. is not sustainable and the Original Petition is liable to be dismissed and I do so.