



GOVERNMENT OF KERALA

No. 44977/J2/2013/GEdn

General Education (J) Department
Thiruvananthapuram,
Dated : 14.10.2015

From
The Additional Chief Secretary to Government

To
The Director of Public Instruction
Thiruvananthapuram.

Sir,

Sub: General Education Dept – Implementation of judgment of the Hon'ble Supreme Court in State of Kerala Vs Sneha Cherian Case (2013 (1) KLT 755) - Clarification-Reg.

Ref:-Judgment of Hon'ble High Court dated, 1.11.2013 in WP (C) 17893/13 &another

Attention is invited the reference cited. Hon'ble Supreme Court in para 26 of the Judgment dated, 22.2.2013 in CA No. 1643/13 Sneha Cherian Vs. State of Kerala [2013 (1) KLT 755] has laid down the following directions.

- (i) *A teacher, who was relieved from service under Rules 49 and 52 of Chapter XIV A of the KER, is entitled to get preference for appointment under Rule 51 A only if the teacher has a minimum prescribed continuous service in an academic year as on the date of relief.*
- (ii) *The Manager of an aided school can, however, appoint teachers in vacancies occurred due to death, retirement, promotion, resignation, long-term leave etc. provided they are established vacancies and the approval can be granted subject to the conditions under Rule 49 of Chapter XIV A of the KER.*
- (iii) *Approval can also be granted to appointments, made to the approved vacancies arising and continuing beyond 31st March due to sanctioning of additional divisions.*
- (iv) *The Manager can make appointments in school even if the duration of which is less than one academic year but on daily wages basis and if the duration of vacancy exceeds one academic year that can be filled up on scale of pay basis.*

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- (v) *The Manager is free to appoint teachers on a regular basis from the re-opening date itself against regular established vacancies and need not wait for the appointments till completion of the staff fixation as per the KER.*
- vi) *Teachers who have been appointed in the midst of the academic year and not completed the requisite minimum continuous service before vacation will not be entitled to get vacation salary.*

In order to ensure that the judgment shall not be interpreted differently, Government hereby issue the following clarifications:

1. *Teachers appointed for a period of more than one academic year against vacancies occurred due to death, retirement, promotion, resignation, long term leave etc will be entitled to get regular scale of pay irrespective of the time in which he is appointed during the course of that academic year subject to Rule 49 of Chapter XIV A of KER which implies that he will not be getting his vacation salary if he does not complete 8 months.*
2. *The Manager can make appointments in school even if the duration of which is less than one academic year but on daily wages basis*
3. *To become eligible for a claim under Rule 51 A of Chapter XIV A, of KER, one should have an approved minimum continuous service of one academic year on the date of relief.*

DPI shall issue necessary instructions to bring this to the notice of all Educational Officers.

Yours faithfully,
R. ANANDAVALLY
Deputy Secretary
For Additional Chief Secretary to Govt.

Approved for Issue



Section Officer