



GOVERNMENT OF KERALA

General Education (U)Department

No.U2/364/2021-GEDN

21/10/2021,Thiruvananthapuram

From

Principal Secretary to Government

To

Director of General Education,  
Thiruvananthapuram

Sir,

Sub: OA No. 2068/2020 filed by Sri.Joy A.V before the Hon'ble Kerala Administrative Tribunal.

Ref: 1. Interim Order dated 04.01.2021 in OA No. 2068/2020 filed by Sri.Joy A.V before the Hon'ble Kerala Administrative Tribunal .  
2. Legal Opinion from the Advocate General of Kerala in OA No.2068/2020 .

I am to invite your attention to the references cited and to inform that as per the Interim Order passed by the Hon'ble Kerala Administrative Tribunal in O.A. No. 2068/2020 and 2073/2020 ; no further regular promotions can be effected at present to the cadre of Head Master of LP Schools/UP Schools.The further regular promotions can be effected only after vacating the interim order or after disposal of the OA's in accordance with the directions in the final orders in the OA.

2) Rule 31(a)(i) of KS&SSR provides that where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of a higher category in a service or class by promotion from a lower category and there would be undue delay in making such promotion in accordance with the Rules, the Appointing Authority may promote a person otherwise than in accordance with the rules, temporarily (emphasis supplied). The promotion ordered in accordance with Rule 31(a)(i) is otherwise than in accordance with the Rules based on purely seniority.Therefore promotions can be effected without considering the qualification purely

on temporary basis in accordance with Rule 31(a)(i) of KS&SSR specifically stating the emergency which has arisen to fill immediately the vacancy in the post of Headmaster with specific condition that the promotion under Rule 31(a)(i) will not confer any right or privilege to the incumbent and will be subject to the final decision of the Hon'ble Tribunal in pending O.A's.

3) In view of the above points, I direct you to effect promotion to the cadre of Head Master of Government LP Schools/UP Schools without considering the qualification purely on temporary basis in accordance with Rule 31(a)(i) of KS&SSR specifically stating the emergency which has arisen to fill immediately the vacancy in the post of Headmaster with specific condition that the promotion under Rule 31(a)(i) will not confer any right or privilege to the incumbent and will be subject to the final decision of the Hon'ble Tribunal in pending O.A's.

4) I also direct you to report the anticipated promotion vacancies in the cadre of Headmaster and consequent vacancies in the categories of LPST /UPST in Primary Schools to the Kerala Public Service Commission on or before 30.11.2021 as directed in the Circular.No.C3/174/2021/P&ARD, dated 05.10.2021.

Yours Faithfully,  
A P M Mohammed Hanish  
Principal Secretary

Approved for Issue,

Signed by Somaraj K G

Date: 21-10-2021 13:41:22

Reason: Approved  
Section Officer.