



GOVERNMENT OF KERALA

Abstract

General Education Department - Higher Secondary Education - Establishment - OA(E) Nos .648, 695 and OA Nos. 1115, 1260, 1276, 1367, 1742, 1744 and 1802 of 2015 - Order of Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

**GENERAL EDUCATION (U) DEPARTMENT.**

**G.O (Rt) No.5035/2015/G.Edn. Dated,Thiruvananthapuram 26/10/2015.**

Read: (1) GO(P) No.143/2015/G.Edn. Dated 27/5/2015

(2) Proceedings No.AD C6/ 5697/2015/HSE dated 21/09/2015 from Director, Higher Secondary Education, Thriuvananthapuram.

(3) Letter No. 52982/U1/2015/G.Edn. Dated 29/09/2015

(4) Order dated 01/10/2015 of the Hon'ble Kerala Administrative Tribunal in OA(E) Nos.648, 695,OA Nos. 1115, 1260, 1276, 1367, 1742, 1744 and 1802 of 2015

(5) GO(Rt) No.4757/2015/G.Edn. Dated 07/10/2015

(6) Decision taken by the committee constituted as per GO(Rt.)No.4757/2015/G.Edn dated 07.10.2015

**ORDER**

As per G.O read as 1<sup>st</sup> paper above, Government issued transfer norms/guidelines for the General Transfer of Higher Secondary School Teachers. This order was issued based on the proposal of Director, Higher Secondary Education, which was framed in accordance with the minutes of discussion conducted by Director, Higher Secondary Education with the representatives of service organizations on 27/04/2015. Based on the above transfer norms Director, Higher Secondary Education made the general transfer of Higher Secondary School Teachers during the academic year 2015-16 vide proceedings read as 2<sup>nd</sup> paper above. But it had come to the notice of the Government that so many anomalies and mistakes have crept in while issuing the transfer order. Hence Government directed the Director of Higher Secondary Education to freeze the transfer order for the time being and issue after the local body elections duly rectifying the defects, vide Government letter read as 3<sup>rd</sup> paper above.

2. Some teachers filed different OAs before the Hon'ble Kerala Administrative Tribunal challenging the transfer order issued by the Director of Higher Secondary Education. The Hon'ble Kerala Administrative Tribunal, as per the common order read as 4<sup>th</sup> paper above, directed that Government will forthwith form a Committee to look into all aspects and that Committee will evaluate the procedure so far adopted and find out whether the transfers are foolproof and will give ample opportunity to the teachers who are desirous to get transferred to submit their options properly and with full knowledge of the existing vacancies in different schools. The Hon'ble Kerala Administrative Tribunal has made this aspect clear by ordering that since the various aspects including seniority and other relevant factors will have to be considered by the authority while effecting transfers. The fate of the teachers who have joined already in the transferred stations also will be a matter for the Committee to consider and Committee will take appropriate decision in the matter. It has also been directed that the said exercise will be completed with utmost expedition. All the steps so far taken will be assessed on the merits and wherever defects and anomalies have to be rectified appropriate direction will be issued. The Hon'ble Kerala Administrative Tribunal has therefore directed the Director, Higher secondary Education, the 3<sup>rd</sup> respondent in OA No. 1276/2015 to forthwith implement the directions issued by the Government as per Circular No. 52982/U1/2015/G.Edn dated 29/09/2015 and he will have to wait for further orders from the Government after the entire exercise is completed. The Committee to be appointed is also free to consider whether there are any anomalies in the transfer norms under which the transfers are being effected. The Hon'ble Kerala Administrative Tribunal has also directed that appropriate direction will be issued by the Committee of the Government itself after looking in to the grievance of the teachers who have been transferred and were not able to join in any stations.

3. In compliance with the common order read as 4<sup>th</sup> paper above, Government constituted a committee as per the Government Order read as 5<sup>th</sup> paper above to examine all the aspects regarding the General transfer of Higher Secondary School Teachers/Higher Secondary School Teachers (Junior) 2015-16 as ordered by the Hon'ble Kerala Administrative Tribunal and as directed, therein, complete the exercise with utmost expedition.

4. The committee met on 08.10.2015, 09.10.2015, 14.10.2015, 16.10.2015 and 19.10.2015. The committee examined all the aspects. The committee sought the details of the procedure so far adopted by Director, Higher Secondary Education for issuing transfer order on 21.09.2015. It was noticed that the existing vacancies in different schools were not published by Director, Higher Secondary Education before inviting the applications for General

