



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 26TH DAY OF AUGUST 2025 / 4TH BHADRA, 1947

O.P. (KAT)NO.311 OF 2025

AGAINST THE ORDER DATED 02.07.2025 IN O.A.NO.1156 OF 2025 OF THE

KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONER/APPLICANT IN O.A.:

SHINY. S. RAJ, W/O SRI. REMESH KUMAR.R.,
AGED 52 YEARS
WORKING AS HIGH SCHOOL ASSISTANT(ENGLISH), GOVT.H.S.
THENGAMAM, PATHANAMTHITTA DISTRICT, RESIDING AT
SWASTHY, PANNIVIZHA, ADOOR.P.O., PATHANAMTHITTA, PIN
- 691523

BY ADVS.
SMT.K.R.KRISHNAKUMARI
SMT.SHREEPRIYA C.J.

RESPONDENTS/RESPONDENTS IN O.A.:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR OF GENERAL EDUCATION,
DIRECTORATE OF GENERAL EDUCATION, THIRUVANANTHAPURAM,
PIN - 695014
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVALLA, PATHANAMTHITTA, PIN - 689101



4 THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
PATHANAMTHITTA, PIN - 689645

OTHER PRESENT:

SRI. A. J. VARGHESE, SR. GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARED ON 26.08.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



"C.R"

JUDGMENT

Anil K. Narendran, J.

The petitioner filed O.A.No.1156 of 2025 on the file of the Kerala Administrative Tribunal at Thiruvananthapuram, invoking the provisions under Section 19 of the Administrative Tribunals Act, 1985, seeking an order to set aside Annexure A7 order dated 20.06.2025 issued by the 3rd respondent Deputy Director of Education, Pathanamthitta, since the same is in violation of Rules 3(iiA)(j), 4(ii) and 6-I of Chapter XXIII of the Kerala Education Rules (KER) and against the directions of a Division Bench of this Court in Annexure A1 judgment dated 10.08.2021 in W.P.(C)No. 23159 of 2018 and Annexure A8 judgment dated 21.11.2022 in Con.Case (C)No.753 of 2022, arising out of Annexure A1 judgment. The applicant has also sought for other consequential reliefs.

2. The interim relief sought for in O.A.No.1156 of 2025 is an order directing the 3rd respondent Deputy Director of Education, Pathanamthitta, to permit the applicant to continue to work as HST (English) in Government Boys Higher Secondary School, Adoor, by staying the operation of Annexure A7 order dated



20.06.2025 issued by the said respondent, pending decision in the original application.

3. On 02.07.2025, when O.A.No.1156 of 2025 came up for admission, the Tribunal admitted the matter on file. The learned Government Pleader took notice on behalf of the respondents. The learned counsel for the applicant pressed for an interim order staying the operation of Annexure A7 order dated 20.06.2025 and to permit the applicant to continue at the present station itself. On that request, the Tribunal passed Ext.P1 order dated 02.07.2025, declining the interim relief sought for, for the reasons stated therein.

4. Feeling aggrieved by Ext.P1 order dated 02.07.2025 of the Tribunal in O.A.No.1156 of 2025, the petitioner-applicant is before this Court in this original petition, invoking the supervisory jurisdiction under Article 227 of the Constitution of India.

5. On 18.07.2025, when this original petition came up for admission, the matter was admitted on file. The learned Government Pleader took notice for the respondents. The learned Government Pleader was directed to get instructions as to whether the petitioner-applicant can be repatriated to the



Government Boys Higher Secondary School, Adoor.

6. On 04.08.2025, the petitioner filed I.A.No.2 of 2025, seeking an order to accept Ext.P7 staff fixation order dated 25.07.2025 of the Government Boys Higher Secondary School, Adoor, for the year 2025-26, issued by the 4th respondent District Educational Officer, Pathanamthitta, as an additional document. The petitioner has also filed I.A.No.3 of 2025, seeking an order directing the 3rd respondent Deputy Director of Education, Pathanamthitta to repatriate her to the Government Boys Higher Secondary School, Adoor, in the existing post of HST (English) with all consequential benefits, by staying the direction in Appendix-II of Ext.P7 staff fixation order dated 25.07.2025, for the year 2025-26, to make appointment on daily wage basis, in the post of HST (English) temporarily sanctioned in that school.

7. Heard the learned counsel for the petitioner-applicant and also the learned Senior Government Pleader for the respondents.

8. The issue that requires consideration in this original petition is whether any interference is warranted on Ext.P1 order dated 02.07.2025 of the Tribunal in O.A.No.1156 of 2025,



whereby the interim relief sought for in that original application stands rejected, for the reasons stated therein. Another issue that requires consideration is whether the petitioner-applicant can seek any relief in this original petition, in respect of Ext.P7 staff fixation order dated 25.07.2025 issued by the 4th respondent District Educational Officer, Pathanamthitta, as sought for in I.A.No.3 of 2025.

9. The petitioner-applicant filed O.A.No.1156 of 2025 before the Tribunal challenging Annexure A7 order dated 20.06.2025 of the 3rd respondent Deputy Director of Education, Pathanamthitta, whereby the applicant, who was working as HST (English) in the Government Boys Higher Secondary School, Adoor, was transferred to the Government High School, Thengamam, based on Annexure A6 staff fixation order dated 16.07.2024 of the Government Boys Higher Secondary School, Adoor, for the year 2024-25. In Ext.P1 interim order dated 02.07.2025, the Tribunal noticed that, as evident from Annexure A7 order dated 20.06.2025, the applicant was permitted to continue at the Government Boys Higher Secondary School, Adoor, despite loss of the post of HST (English) in that school, in



Annexure A4 staff fixation order dated 20.08.2023 for the year 2023-24, based on circular No.DGE/7241/2023-H2 dated 07.08.2023 issued by the Director of General Education. Now, by Annexure A7 order dated 20.06.2025, the applicant is posted to the Government High School, Thengamam, where there is a permanent vacancy of HST (English), on account of promotion of another teacher. Therefore, in Ext.P1 order dated 02.07.2025 in O.A.No.1156 of 2025, the Tribunal found that there is no justification on the part of the applicant in contending that she should be permitted to continue as HST (English) at the Government Boys Higher Secondary School, Adoor, despite the loss of the post of HST (English) in that school in Annexure A6 staff fixation order dated 16.07.2024 for the year 2024-25, instead of transferring her to the Government High School, Thengamam, where there is a permanent vacancy of HST (English).

10. Article 227 of the Constitution of India deals with power of superintendence over all courts by the High Court. Under clause (1) of Article 227 of the Constitution, every High Court shall have superintendence over all courts and tribunals throughout the



territories in relation to which it exercises jurisdiction.

11. In **Shalini Shyam Shetty v. Rajendra Shankar Patil [(2010) 8 SCC 329]** the Apex Court, while analysing the scope and ambit of the power of superintendence under Article 227 of the Constitution, held that the object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under Article 227 is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.

12. In **Jai Singh v. Municipal Corporation of Delhi [(2010) 9 SCC 385]**, while considering the nature and scope of the powers under Article 227 of the Constitution of India, the Apex Court held that, undoubtedly the High Court, under Article 227 of the Constitution, has the jurisdiction to ensure that all subordinate courts, as well as statutory or quasi-judicial tribunals exercise the powers vested in them, within the bounds of their



authority. The High Court has the power and the jurisdiction to ensure that they act in accordance with the well established principles of law. The exercise of jurisdiction must be within the well recognised constraints. It cannot be exercised like a 'bull in a china shop', to correct all errors of the judgment of a court or tribunal, acting within the limits of its jurisdiction. This correctional jurisdiction can be exercised in cases where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice.

13. In **K.V.S. Ram v. Bangalore Metropolitan Transport Corporation [(2015) 12 SCC 39]** the Apex Court held that, in exercise of the power of superintendence under Article 227 of the Constitution of India, the High Court can interfere with the order of the court or tribunal only when there has been a patent perversity in the orders of the tribunal and courts subordinate to it or where there has been gross and manifest failure of justice or the basic principles of natural justice have been flouted.

14. In **Sobhana Nair K.N. v. Shaji S.G. Nair [2016 (1) KHC 1]** a Division Bench of this Court held that, the law is well



settled by a catena of decisions of the Apex Court that in proceedings under Article 227 of the Constitution of India, this Court cannot sit in appeal over the findings recorded by the lower court or tribunal and the jurisdiction of this Court is only supervisory in nature and not that of an appellate court. Therefore, no interference under Article 227 of the Constitution is called for, unless this Court finds that the lower court or tribunal has committed manifest error, or the reasoning is palpably perverse or patently unreasonable, or the decision of the lower court or tribunal is in direct conflict with settled principles of law.

15. In view of the law laid down in the decisions referred to supra, the High Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India cannot sit in appeal over the findings recorded by the Administrative Tribunal. The supervisory jurisdiction cannot be exercised to correct all errors in the order of the Administrative Tribunal, acting within the limits of its jurisdiction. The correctional jurisdiction under Article 227 can be exercised only in a case where the order of the Administrative Tribunal has been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or



justice. Therefore, no interference under Article 227 is called for, unless the High Court finds that the Administrative Tribunal has committed a manifest error, or the reasoning is palpably perverse or patently unreasonable, or the decision of the Tribunal is in direct conflict with settled principles of law or where there has been gross and manifest failure of justice or the basic principles of natural justice have been flouted.

16. In the instant case, as already noticed hereinbefore at paragraph 9, the Tribunal has stated valid reasons in Ext.P1 order dated 02.07.2025 to decline the interim relief sought for in O.A.No.1156 of 2025. The reasoning of the Tribunal in Ext.P1 order cannot be said to be either perverse or patently illegal and it cannot also be said that the Tribunal has committed any manifest error while declining the interim relief sought for in O.A.No.1156 of 2025. Therefore, no interference is warranted on Ext.P1 order dated 02.07.2025 of the Tribunal in O.A.No.1156 of 2025, in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

17. Now, the issue remains for consideration is whether the petitioner-applicant can seek any relief in this original petition,



in respect of Ext.P7 staff fixation order dated 25.07.2025 of the Government Boys Higher Secondary School, Adoor, for the year 2024-25, as sought for in I.A.No.3 of 2025. The interim relief sought for in I.A.No.3 of 2025 is an order directing the 3rd respondent Deputy Director of Education, Pathanamthitta, to repatriate the petitioner to the Government Boys Higher Secondary School, Adoor, in the existing post of HST (English) with all consequential benefits, by staying the direction of the 4th respondent District Educational Officer, Pathanamthitta, in Appendix-II of Ext.P7 staff fixation order dated 25.07.2025 for the year 2025-26 to make appointment in the post of HST (English) temporarily sanctioned in that school on daily wage basis.

18. By seeking the aforesaid interim relief in I.A.No.3 of 2025, the petitioner is in effect challenging the condition stipulated in Appendix II of Ext.P7 staff fixation order dated 25.07.2025 issued by the 4th respondent District Educational Officer, Pathanamthitta, for the year 2025-26, which provides for appointment on daily wage basis in the post of HST (English) temporarily sanctioned in the Government Boys Higher Secondary



School, Adoor.

19. In exercise of the supervisory jurisdiction under Article 227 of the Constitution of India, this Court is not sitting in appeal over an order passed by the Administrative Tribunal, in an original application filed under Section 19 of the Administrative Tribunals Act, 1985, or an order passed by the Tribunal in an interlocutory application filed in that original application. Therefore, in an original petition filed under Article 227 of the Constitution of India, the applicant before the Tribunal cannot expand the scope of the original application filed under Section 19 of the Administrative Tribunals Act, 1985. Therefore, in this original petition filed under Article 227 of the Constitution of India, the petitioner-applicant cannot raise a challenge against the condition stipulated in Appendix-II of Ext.P7 staff fixation order dated 25.07.2025 for the year 2025-26 to make appointment on daily wage basis, in the post of HST (English) temporarily sanctioned in the Government Boys Higher Secondary School, Adoor, and to repatriate her to that school as HST (English).

20. As held by a Division Bench of this Court in **Sadhiq M.M. v. State of Kerala [2025 (1) KHC 402]**, in view of the



law laid down by the Constitution Bench of the Apex Court in **L. Chandra Kumar v. Union of India [(1997) 3 SCC 261]**, the Central Administrative Tribunal, Ernakulam Bench and the Kerala Administrative Tribunal will act as like courts of first instance in respect of the areas of law for which they have been constituted. Therefore, it will not be open for litigants to directly approach the High Court even in cases where they question the virus of statutory legislation (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned. However, the Central Administrative Tribunal, Ernakulam Bench or the Kerala Administrative Tribunal shall not entertain any question regarding the virus of their parent statute, i.e., the Administrative Tribunals Act, 1985, since the said Tribunals, which are creatures of the said statute, cannot declare the very act to be unconstitutional. In such cases alone, the litigants can approach the High Court directly.

21. In such circumstances, conclusion is irresistible that the petitioner-applicant cannot seek any relief in this original petition, in respect of Ext.P7 staff fixation order dated 25.07.2025



of the Government Boys Higher Secondary School, Adoor, for the year 2025-26, as sought for in I.A.No.3 of 2025. By filing such an interlocutory application in this original petition filed under Article 227 of the Constitution of India, the petitioner, who is the applicant in O.A.No.1156 of 2025, cannot be permitted to expand the scope of that original application filed before the Kerala Administrative Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

In the result, the challenge made in this original petition against Ext.P1 order dated 02.07.2025 in O.A.No.1156 of 2025 fails and this original petition is accordingly dismissed; however, without prejudice to the right, if any, of the petitioner-applicant to challenge the condition stipulated in Appendix-II of Ext.P7 staff fixation order dated 25.07.2025 for the year 2025-26, before the appropriate forum.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE



APPENDIX OF OP(KAT) 311/2025

PETITIONER ANNEXURES

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| Annexure-A1 | TRUE COPY OF THE JUDGMENT OF THE HONOURABLE HIGH COURT OF KERALA DATED 10.08.2021 IN WP(C)NO.23159/2018 |
| Annexure-A2 | TRUE COPY OF THE ORDER OF THE HONOURABLE SUPREME COURT DATED 01.08.2022 IN SLP(C)NO.15856/2021 |
| Annexure-A3 | TRUE COPY OF THE STAFF FIXATION ORDER NO.D.T.A2/43164/2022 OF GOVT.BOYS HSS, ADOOR FOR THE YEAR 2022-23 DATED 19.08.2022 ISSUED BY THE 4TH RESPONDENT |
| Annexure-A4 | TRUE COPY OF THE STAFF FIXATION ORDER NO.D.T.A2/62548/2023 OF GOVT. BOYS HSS, ADOOR FOR THE YEAR 2023-24 DATED 20.08.2023 ISSUED BY THE 4TH RESPONDENT |
| Annexure-A5 | TRUE COPY OF THE ORDER NO.D.T.A2/62548/2023 DATED 05.09.2023 ISSUED BY THE 4TH RESPONDENT |
| Annexure-A6 | TRUE COPY OF THE STAFF FIXATION ORDER NO.D.T.A2/738076/2022 OF GOVT. BOYS HSS, ADOOR FOR THE YEAR 2024-25 DATED 16.07.2024 ISSUED BY THE 4TH RESPONDENT |
| Annexure-A7 | TRUE COPY OF THE ORDER NO.DDEPTA/3515/2023-A1 DATED 20.06.2025 ISSUED BY THE 3RD RESPONDENT |
| Annexure-A8 | TRUE COPY OF THE JUDGMENT OF THE HONOURABLE HIGH COURT OF KERALA DATED 21.11.2022 IN CONTEMPT CASE(C)NO.753/2022 |
| Annexure-A9 | TRUE COPY OF THE INTERIM ORDER OF THE HONOURABLE HIGH COURT OF KERALA DATED 16.09.2022 IN WP(C)NO.28151/2022 |
| Annexure-A10 | TRUE COPY OF THE INTERIM ORDER OF THE HONOURABLE HIGH COURT OF KERALA DATED 27.10.2022 IN WP(C)NO.34242/2022 |
| Annexure-A11 | TRUE COPY OF THE INTERIM ORDER OF THE HONOURABLE HIGH COURT OF KERALA DATED 22.02.2023 IN WP(C)NO.5905/2023 |
| Annexure-A12 | TRUE COPY OF THE INTERIM ORDER OF THE HONOURABLE HIGH COURT OF KERALA DATED 05.07.2024 IN WP(C)NO.24308/2024 |
| Annexure-A13 | TRUE COPY OF THE CIRCULAR NO.D.G.E/7241/2023/H2 DATED 07.08.2023 ISSUED BY THE 2ND RESPONDENT |
| Annexure-A14 | TRUE COPY OF THE G.O.(MS)NO.78/2024/GEDN |



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| Exhibit-P1 | DATED 05.07.2024 ISSUED BY THE 1ST RESPONDENT CERTIFIED COPY OF THE ORDER OF THE HONOURABLE KERALA ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, THIRUVANANTHAPURAM DATED 02.07.2025 IN O.A.NO.1156/2025 |
| Exhibit-P2 | TRUE COPY OF THE MEMORANDUM OF ORIGINAL APPLICATION WITH ANNEXURES IN O.A.NO.1156/2025 |
| Exhibit-P3 | TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 20.07.2023 IN CONTEMPT CASE (C) NO.753/2022 |
| Exhibit-P4 | TRUE COPY OF THE RELIEVING ORDER DATED 02.07.2025 ISSUED BY THE HEADMISTRESS OF THE GOVERNMENT BOYS HIGHER SECONDARY SCHOOL, ADOOR TO THE PETITIONER |
| Exhibit-P5 | TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 18.06.2025 IN WP(C) NO.28151/2023 |
| Exhibit-P6 | TRUE COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT DATED 04.07.2025 IN WA NO.1582/2025 |
| Exhibit-P7 | TRUE COPY OF THE STAFF FIXATION ORDER OF THE GOVERNMENT BOYS HIGHER SECONDARY SCHOOL, ADOOR FOR THE YEAR 2025-26 BEARING NO.A2/850681/2025 DATED 25.07.2025 ISSUED BY THE 4TH RESPONDENT |