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7/4/16



GOVERNMENT OF KERALA

Abstract

General Education Department - Higher Secondary Education – Sanctioning of new Higher Secondary Schools and additional batches – Compliance of judgment dated 20/08/2015 in WP(C) No.24143/2010 and connected cases- Constitution of Committee to determine the educational need in the State in the field of Higher Secondary Education - Orders Issued.

GENERAL EDUCATION (U) DEPARTMENT

G.O. (Ms.) No.75/2016/G.Edn.

Dated, Thiruvananthapuram 05/04/2016

- Read:- (1) G.O.(Ms) No.185/2013/G.Edn dated 11.06.2013.
- (2) Notification No.Acd C3/16830/HSE/2013 dated 14.06.2013 of the Director,
Higher Secondary Education, Thiruvananthapuram.
- (3) G.O.(Ms) No.194/2013/G.Edn dated 25.06.2013.
- (4) Letter No.Acd C3/16830/2013/HSE dated 19.05.2014 of the Director,
Higher Secondary Education, Thiruvananthapuram.
- (5) G.O.(Ms) No.143/2014/G.Edn dated 31.07.2014.
- (6) Order dated 18/08/2014 of the Hon'ble High Court in WP(C)
No. 18176/2014 and connected cases.
- (7) Judgment dated 01/09/2014 of the Hon'ble High Court of Kerala in WA
Nos 1163/14 and 1164/14.
- (8) G.O.(Ms) No.247/2014/G.Edn dated 24.11.2014.
- (9) Judgment dated 20.08.2015 of the Hon'ble High Court of Kerala in WP(C)
Nos.24143/2010 and connected cases.

ORDER

As per Government Order read as 1st paper above, Government, as a matter of policy,

decided to sanction one higher secondary school each in 148 Grama Panchayats where there were no higher secondary schools either in government sector or in aided sector and to sanction additional higher secondary schools and additional higher secondary batches in 8 northern districts beginning from Ernakulam. As per notification read as 2nd paper above the Director of Higher Secondary Education invited applications for the same. As per Government Order read as 3rd paper above, Government constituted a 'Six Member Committee' to scrutinize each application received and to forward recommendation to Government. The Director, Higher Secondary Education forwarded the recommendations of the committee, to the Government vide his letter read as 4th paper above. After prolonged litigations, Government sanctioned 701 Higher Secondary batches all over Kerala, by upgrading high schools and by providing additional higher secondary batches in the existing higher secondary schools vide Government Order read as 5th paper above. Against this order certain managements approached Hon'ble High Court of Kerala and filed various WP(C)s and the Hon'ble High court as per its order read as 6th paper above, ordered as follows:

- i. No School other than those who find a place in the recommendation of the 'Six Member Committee' forwarded along with the letter dated 19/05/2014 of the Director shall be given sanction or shall be permitted to function.
- ii. Schools recommended by the said committee as enlisted in the Annexures to the letter dated 19/05/2014 of the Director shall be given provisional sanction to function forthwith, subject to the condition stipulated in the G.O. dated 31/07/2014.

The above order was affirmed by the Hon'ble High Court vide judgment read as 7th paper above. In compliance of the above said order and judgment, Government sanctioned all higher secondary batches recommended by the 'Six Member Committee' vide Government Order read as 8th paper above. Also, the batches which were sanctioned vide Government Order read as 5th paper above, but not recommended by the 'Six Member Committee' were denied permission to function.

(2) Against the non sanctioning /denial of permission for functioning of batches, various managements approached the Hon'ble High Court of Kerala and filed various WP (C) s on different grounds. The Hon'ble High Court of Kerala as per its judgment read as 9th paper above, closed these writ petitions by making the interim order dated 18/08/2014 absolute to the extent it mandates that only those grants that have been made pursuant to the recommendation of the six member committee can be sanctioned by the State Government in implementation of the Government Order dated 11/06/2013. While disposing of these WP (C) s, the Hon'ble High Court issued the following directions to the State Government in the matter of consideration of applications for the grant of Higher Secondary courses.

- (i) *The State Government shall evolve and put in place suitable machinery to determine the educational need in each district in the State in the field of higher secondary education;*
- (ii) *The machinery to be set up by the State Government must be one that determines such educational need on an ongoing basis so that the educational need for any academic year is estimated at least a year in advance.*
- (iii) *Based on the determination of educational need, the State Government must periodically call for applications from educational agencies in the district concerned and takes steps to sanction higher secondary courses in such districts.*
- (iv) *The criteria evolved by the State Government for sanctioning higher secondary courses must, inter alia, take into account the socially, educationally and economically backward areas in each district.*
- (v) *While considering applications in areas where an educational need has been determined as existing, the State Government shall give preference to those applicants who have been recommended for the grant of higher secondary course in the past, either through Government Orders or through judgments of this Court, but were not sanctioned Higher Secondary Courses only because there was no policy decision then taken by the State Government to sanction Higher Secondary Courses in the State, or on account of the then Government facing financial constraints. Such cases would have to be considered favourably for a grant, subject to the applicant concerned complying with the infrastructural and other requirements mandated by the Kerala Education Act and Rules.*
- (vi) *Insofar as the Hon'ble Court have directed that the State Government shall call for applications, based on the perceived educational need determined in*

any area, before considering a grant of higher secondary course to any educational agency in the said area, it would be open to the petitioners herein to respond to any call for applications by the Government, as and when made, and the fact that they have preferred applications in the past or that any such application preferred has been rejected in the past shall be of no relevance in a consideration by the State Government of the merit of the fresh applications so preferred by the petitioners.

(vii) The State Government shall endeavour to complete the above exercise by 31/03/2016 for the next academic year and thereafter, sanction courses based on educational need by 31st March of every succeeding year so that no student is prejudicially affected in the pursuit of his higher secondary education in the State during the academic year 2016-17 or thereafter.

(3) Government have examined the matter in detail and hereby constitute a two level committee to determine the educational need in each district in the state in the field of higher secondary education.

(A) Regional Level (Covering Two Districts) Committee

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| (1) Regional Deputy Director (HSE) concerned | – Convenor |
| (2) District Educational Officer (of the concerned area) | – Member |
| (3) Secretary – District Panchayat / Municipality / Corporation concerned or his representative | – Member |

(B) State Level Committee

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|---|------------|
| 1) Director, Higher Secondary Education | - Chairman |
| 2) Joint Director (Academic),
Directorate of Higher Secondary Education | - Convenor |
| 3) Director of Public Instruction | - Member |
| 4) Director, SCERT | - Member |
| 5) Director, SIEMAT | - Member |
| 6) Joint Director (Examination),
Directorate of Higher Secondary Education | - Member |

(4) The Regional level committee shall furnish a report to State level committee for the next academic year before 30th September of every year. The State level committee shall scrutinize the reports of the Regional level committees and submit a final report to the Government, before 31st October of every year. The State Government shall examine the report of the State level committee and take a decision for calling for application, to be set out in the detailed guidelines to be issued later. The entire exercise on the basis of educational need shall be completed within 31st March of the succeeding year.

(5) As regards the academic year 2016-17, the Regional level committee shall submit its report on the educational level/needs to the State level committee within 10 days from the date of this order, after validating the school mapping exercise. The State level committee shall furnish its report to the Government within 20 days from the date of this order.

(By order of the Governor)

V.S. SENTHIL,
Additional Chief Secretary to Government.

To

The Advocate General, Ernakulam (With C/L)

The Director, Higher Secondary Education, Thiruvananthapuram.

The Director of Public Instruction, Thiruvananthapuram.

The Joint Director (Academic), Higher Secondary Education, Thiruvananthapuram.

The Joint Director (Examination), Higher Secondary Education, Thiruvananthapuram.

The Director, SCERT, Thiruvananthapuram.

The Director, SIEMAT, Thiruvananthapuram.

All the Regional Deputy Directors of Higher Secondary Education (Through the Director, Higher Secondary Education, Thiruvananthapuram)

All District Educational Officers (Through the Director of Public Instruction ,

Thiruvananthapuram)

Secretary of all District Panchayats, Municipalities and Corporations (Through the Director,
Higher Secondary Education, Thiruvananthapuram)

Finance Department .

Local Self Government Department

General Education (T) Department

✓ The Information Officer, Web and New Media, Thiruvananthapuram. (for uploading in
Government Website)

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Forwarded / By Order,

JSP
Lathesh

Section Officer