



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 11
Vol. XI

തിരുവനന്തപുരം,
ബുധൻ

Thiruvananthapuram,
Wednesday

2022 ഏപ്രിൽ 20
20th April 2022

1197 മേടം 7
7th Medam 1197

1944 ചൈത്രം 30
30th Chaitra 1944

നമ്പർ
No.

1274

GOVERNMENT OF KERALA
General Education (J) Department

NOTIFICATION

G.O. (P) No. 5/2022/GEDN.

Dated, Thiruvananthapuram, 18th April, 2022.

S. R. O. No. 375/2022

In exercise of the powers conferred by section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following rules further to amend the Kerala Education Rules, 1959, namely:—



RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Education (Amendment) Rules, 2022.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In the Kerala Education Rules, 1959,—

(1) in Chapter III, in rule 9, sub-rule (6) shall be omitted.

(2) in Chapter VI,

(a) in rule 15,—

(i) in item (iii), the following ‘Note’ shall be inserted, namely:—

“*Note:*—The teacher in charge of a class in standard IX and X shall report the details of such absentees to the Headmaster or Headmistress or Vice-Principal, as the case may be, so as to remove them from the rolls under these rules.”;

(ii) after rule 15, the following rule shall be inserted, namely:—

“15A. The teacher in charge of a class in standard I to VIII shall report the details of pupils who has been absent without leave for fifteen working days consecutively or who has been continuously absent for five working days from the re-opening day to the Headmaster or Headmistress or Vice-Principal, as the case may be. The Headmaster or Headmistress or Vice-Principal, as the case may be, shall take immediate follow up actions in consultation with the local authority in terms of section 9 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009).”;

(b) in rule 23, in the opening sentence, after the words “The maximum strength of a class division”, the words and figures “in standards IX and X” shall be inserted.

(c) after rule 23, the following rule shall be inserted, namely:—

“23A. *Teacher-Pupil ratio.*—The teacher-pupil ratio for standards I to VIII shall be as specified in the SCHEDULE to the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009).”.

(3) in Chapter VII, in rule 6, after sub-rule (1), the following Note shall be inserted,



namely:–

“*Note*:–The teacher in charge of a class shall mark the attendance of the physically present pupils properly. If forged attendance is detected, the teacher in charge of that class shall be held personally responsible.”.

(4) in Chapter XIV A,–

(a) in rule 1, in sub-rule (1), for the words “for reporting the vacancies to the Government for ascertaining the availability of qualified hand and for filling up vacancy notified by the Government”, the words “for ascertaining the availability of qualified hand and for filling up vacancy.” shall be substituted;

(b) in rule 8,–

(i) in sub-rule (1), for the opening sentence, the following sentence shall be substituted, namely:–

“The appointment order signed by the Manager and the teacher along with other documents, as required by the Director, from time to time, shall be submitted by the Manager to the Educational Officer for approval through ‘SAMANWAYA’, the web portal provided by the Department of General Education for the purpose of approval of appointments and fixation of the staff strength in the schools, within fifteen days from the date of joining duty of the appointee in the manner prescribed by the Director.”;

(ii) in sub-rule (2),–

(a) after the words “may approve the appointment” the words and symbols “through ‘SAMANWAYA’” shall be inserted;

(b) for the words “one copy shall be forwarded by the Educational Officer to the teacher through the Manager and another copy forwarded to the Manager to be filed in the school records.” the words “one copy shall be forwarded by the Educational Officer to the Manager and four copies to the Headmaster or Headmistress or Vice-Principal, as the case may be, so as to give a copy to the teacher and the remaining copies for various official purposes.” shall be substituted;

(iii) after sub-rule (2), the following proviso shall be inserted, namely:–



“Provided that the additional posts sanctioned in terms of sub-rule (6) of rule 12 of Chapter XXIII shall be filled up only in terms of sub-rule (2) of rule 7 of Chapter XXI.”;

(iv) in rule 51 A, the third proviso shall be omitted.

(5) in Chapter XV, rule 21 shall be omitted.

(6) in Chapter XXI, rules 1, 2, 3, 4, 5 and 6 shall be omitted.

(7) in Chapter XXIII,—

(a) in rule 12,(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) *Fixation of Staff Strength.*—Subject to the availability of accommodation, the strength of teaching staff in each school shall be fixed and orders shall be issued by the Educational Officer through ‘SAMANWAYA’ in accordance with the above general provisions and the rules hereunder, by 15th July of each year, after finalizing the number of divisions in each class based on the strength of pupils on the roll having Unique Identification Number (UID) as on the sixth working day from the reopening day in June. The Unique Identification Number (UID) strength shall be taken from ‘Sampoorna’, the school management system, provided by the Department of General Education.”;

(ii) in sub-rule (2), after the word and figures “rule 23” the words, figures and letter “and rule 23A” shall be inserted;

(iii) after sub-rule (2), the following sub-rules shall be inserted, namely:—

“(3) The orders of staff fixation except in the case of additional divisions or additional posts, shall take effect on the 15th July of every year. Date of effect of the additional divisions or additional posts sanctioned shall be the 1st October of the year. Ordinarily the strength of staff sanctioned for a year shall have effect till the 14th July of the succeeding year provided the divisions or posts sanctioned in it are not reduced in terms of sub-rule (8).

(4) In a school where additional division or additional posts are found necessary, the Educational Officer shall make a surprise visit to the school and conduct a preliminary verification so as to ascertain the genuineness of the pupil’s strength by checking the entire details of both the pupils present and absent on that day with their Unique Identification



Number (UID) and other school records. On such verification, if the requirement for additional division or additional post is found on valid grounds, the details on it shall be submitted to the Director on or before the 15th July of each year through web portal 'SAMANWAYA' for getting its sanction from the Government. The submission of details through 'SAMANWAYA' shall also be duly recorded in the staff fixation order.

(5) On receipt of the details regarding the additional divisions and additional posts as specified in sub-rule (4), the Director shall conduct a detailed verification on the spot on such details through the Super Check Officer or any other authority as decided by the Government. Thereafter the Director shall submit the details along with an affidavit of on the spot verification and due recommendation to the Government through web portal 'SAMANWAYA' on or before the 31st August of the year.

(6) On the strength of the affidavit of on the spot verification and the recommendation of the Director and on the basis of further verification, if necessary, the Government shall issue orders by sanctioning the additional divisions or posts through web portal 'SAMANWAYA', if admissible or order otherwise, if inadmissible. Such order shall be passed by the 30th September of the year. Thereupon, the Educational Officer shall revise the staff fixation order accordingly. Date of effect of the additional divisions or additional posts so sanctioned shall be as prescribed under sub-rule (3).

(7) The Manager or the affected parties shall have a right to apply for the review of the order passed by the Government in terms of sub-rule (6) within 30 days from the date of the order.

(8) Notwithstanding anything contained in these rules, if a fall in the pupil's strength occurs on the rolls of a school at any time till 31st January of the year, which is found sufficient to affect the number of divisions or posts sanctioned, the Headmaster or Headmistress or Vice-Principal shall report the fact to the Educational Officer at once through the web portal 'SAMANWAYA'. The Educational Officer, on verification of the report, if found sufficient reasons to reduce the class, division or post, shall revise the staff fixation order accordingly within twenty days from the date of receipt of the report of the Headmaster or Headmistress or Vice-Principal:

Provided that no order under this rule shall be issued without notice to the parties who are likely to be affected thereby. The reduction of divisions or posts shall have effect



only from the date of order of the Educational Officer. The appeal provision laid down under rule 12 D is applicable against the revised order.”;

(b) in rule 12C,—

(i) in sub-rule (1), in the opening sentence, after the words “in Primary Schools” the words and symbols “through web portal ‘SAMANWAYA’” shall be inserted;

(ii) in sub-rule (2), in the opening sentence, after the words “Training Schools” the words and symbols “through ‘SAMANWAYA’” shall be inserted;

(c) in rule 12 D, the proviso to sub-rule (1) shall be omitted.

(d) the Note below rule 15A shall be omitted.

(e) in rule 16, after the words and symbol “appropriate action in the matter.” the following sentence shall be inserted at the end, namely:—

“The Super Check Officer or Authorized Officer shall conduct such checking at any time during the academic year and the Director shall issue orders on it within the school year itself.”;

(f) after rule 16, the following rule shall be inserted, namely:—

“17. When the creation of a new post or holding of a post through bogus admission or forged attendance is detected on a verification conducted by the Educational Officer or Deputy Director, Education or Super Check Officer or Director or any other officer authorised by the Government, the pecuniary loss caused to the Government on account of the creation or holding of such posts shall be fully recovered from the teacher in charge of the class, Headmaster or Headmistress or Vice-Principal, as the case may be, or Manager or Educational Officers concerned who are responsible for the same and disciplinary action shall also be initiated against the concerned”.

By order of the Governor,

A. P. M. MOHAMMED HANISH,
Principal Secretary to Government.



Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government have decided to process and issue orders on staff fixation in the schools and the approval of appointments in the aided schools through online web portal, 'SAMANWAYA'. It is necessary to take measures to curb the practice of creating additional divisions and posts with bogus admissions and forged attendance. Government have decided to sanction additional divisions and posts only after a thorough verification in the manner decided by the Government. It has been decided to sanction additional divisions and posts only with effect from 1st October of the year and to reduce the divisions and posts whenever already sanctioned staff strength is affected by the fall in the pupil strength on rolls without sufficient reason at any time during the academic year up to 31st January.

Besides, the Hon'ble High Court of Kerala, in its Judgment dated 17th December, 2015, in W.P. (C) No. 19008/13, has set aside certain amendments made to the Kerala Education Rules, 1959 vide notification issued under G.O. (P) No. 154/14/G.Edn. dated 11th August, 2014 and published as S.R.O. No. 485/2014.

Government have, therefore, decided to amend the Kerala Education Rules, 1959 to give effect to the aforementioned changes.

The notification is intended to achieve the above objects.

