



**KERALA GAZETTE**

കേരള ഗസറ്റ്

**EXTRAORDINARY**

അസാധാരണം

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GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G. O. (P) No. 192/2012/G. Edn. *Dated, Thiruvananthapuram, 16th June, 2012.*

**S. R. O. No. 486/2012.**—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, 2012.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Education Rules, 1959, in Chapter XIV A,—

(i) in rule 43, for the words figures and letter “Subject to rules 44, 45 and 51 A” the words and figures “Subject to rules 44 and 45”, shall be substituted;

(ii) in rule 51 A,—

(a) after the words “in the same or higher or lower category of teaching posts, for which he is qualified that may arise” the following words shall be inserted, namely:—

“if there is no claimant under rule 43 in the lower category”.

(b) in the second proviso, after the words “shall be given to protected teachers”, the words “belonging to the same Educational Agency” shall be inserted.

By order of the Governor,

M. SIVASANKAR,

*Secretary to Government.*

#### Explanatory Note

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

As per the existing provisions in the Kerala Education Rules, 1959 rule 51A will prevail over rule 43 Chapter XIV A Kerala Education Rules. Owing to this, the promotion of a qualified teacher having continuous service in the lower category is restricted, which is against natural justice. Hence in such circumstances claimants under rule 43 shall be promoted to the higher post and rule 51 A claimants shall be provided in the lower category ie, in the resultant vacancy, provided that they are fully qualified for the respective posts. As per the second proviso under Rule 51 A, it has been *inter alia* stated that the first preference under this rule shall be given to protected teachers. The Government have decided to make clear that such protected teachers should belong to the same Educational Agency.

The notification is intended to achieve the above object.