

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

RP.NO. 641 OF 2015 () IN WP(C).12893/2015

(AGAINST THE ORDER DATED 30.06.2015 IN WP(C).NO.12893/2015)

REVIEW PETITIONERS/RESPONDENTS 1 &2 IN THE W.P(C):

1.THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695014

2. THE ASSISTANT EDUCATIONAL OFFICER,
KONDOTTUY, MALAPPURAM DISTRICT

BY ADV. GOVERNMENT PLEADER

RESPONDENTS/PETITIONER & 3RD RESPONDENT IN W.P(C):

1. MUNEEERA T.P,W/O.SHOUKKATHALI,
MANAGER, MANGATUUMURI, AMLP SCHOOL,
P.O. OLAVATTOOR, MALAPPURAM DISTRICT-673 638

2. THE HEADMASTER IN CHARGE, MANGATTUMURI, AMLP SCHOOL,
P.O. OLAVATTOOR, MALAPPURAM DISTRICT-673 638

BY KURIAN GEORGE KANNANTHANAM, SR.
BY SRI.P.C SASIDHARAN
BY SRI.PAUL MATHEW

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
31-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP.NO. 641 OF 2015 () IN WP(C).12893/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1:TRUE COPY OF THE G.O(RT) NO.2792/15/G.EDN DATED 09.07.2015

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
R.P.No.641 of 2015

.....
Dated this the 31st day of July, 2015

O R D E R

This is a petition seeking a review of the judgment dated 30.06.2015 in W.P.(C).No.12893 of 2015. The main ground urged in the review petition is that, pursuant to a direction issued in a judgment of a Full Bench of this court, the Government had gone into the issue of whether the School in question could be permitted to be closed down, based on the request of the Manager of the School for closure.` It is submitted that, the Government had gone into the aspect of whether the provisions of the Right to Children to Free and Compulsory Education Act, 2009, [hereinafter referred to as the 'RTE Act'], would mandate that the Manager of the School continue to run the School for the purposes of educating children who came within the purview of the RTE Act. It is pointed out that, although the judgment in the instant case was rendered on 30.06.2015, the order of the Government was passed on 09.07.2015, denying permission to the Manager of the School to close down the School. It is the contention in the review petition that, insofar as the order dated 09.07.2015 of the Government was

passed pursuant to the observations in the judgment of the Full Bench of this Court permitting the Government to take a decision in the matter, the said decision would have to be gone into while disposing the writ petition aforementioned.

2. I have heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I am not impressed with the submissions made on behalf of the review petitioner that, the passing of the Government order dated 09.07.2015 would have a bearing on the judgment rendered by this Court on 30.06.2015. I also take note of the fact that, while disposing the writ petition by the judgment aforesaid, I had considered the issue as to whether the provisions of the RTE Act and Rules would apply to a School, in respect of which the Manager had not preferred an application for recognition under the RTE Act. Referring to an earlier judgment of this Court dated 08.06.2015 in W.P.(C).12873 of 2015 and connected cases, this Court found that inasmuch as the School in question had not preferred an application in terms of RTE Act and

Rules for the grant of recognition, the request of the Manager of the School to close down the School in accordance with the provisions of the KE Act and Rules, had to be accepted by the respondents. It is also not in dispute that against the said judgment of this Court, the review petitioners had preferred an appeal before a Division Bench of this Court and the said appeal was also dismissed. Under the circumstances, I see no reason to review the judgment dated 30.06.2015 of this Court. The revision petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns