

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WA.No. 1174 of 2015

AGAINST THE JUDGMENT IN W.P.(C).NO.29264/2013(G), DATED 06-08-2014

APPELLANT(S)/PETITIONER :

**DHANYA PRADEEP, AGED 34 YEARS,
WIFE OF PRADEEP, PRESIDENT, PARENT TEACHERS ASSOCIATION,
GOVERNMENT LOWER PRIMARY SCHOOL, PERUMPADANNA,
NORTH PARAVUR - 683 513.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S) :

- 1. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695 014**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM AT KAKKANAD - 682 030.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
NORTH PARAVUR, ERNAKULAM DISTRICT - 683 513.**
- 5. THE HEADMASTER, GOVERNMENT LOWER PRIMARY SCHOOL,
PERUMPADANNA, NORTH PARAVUR - 683 513.**
- 6. THE MUNICIPALITY, NORTH PARAVUR,
ERNAKULAM DISTRICT - 683 513, REPRESENTED BY ITS SECRETARY.**
- 7. THE CHILD DEVELOPMENT PROJECT OFFICER,
NORTH PARAVUR, ERNAKULAM DISTRICT - 683 513.**

**R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.P.J.DAVIS
R7 BY ADV. SRI.C.S.AJITH PRAKASH**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.1174 of 2015

Dated this the 3rd day of November 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the appellant and the learned Standing Counsel appearing for the Municipality.

2. This writ appeal has been filed against the judgment dated 06/08/2014 in W.P.C.No.29264/2013 by which the writ petition filed by the appellant/President of the Parent Teachers' Association of Government Lower Primary School has been dismissed. Appellant/writ petitioner, by means of the writ petition, sought for a direction that the Municipality and the Child Development Project Officer have no authority to construct a building in the property belonging to the Government Lower Primary School for commencement of an Anganwadi.

3. Petitioner's case in the writ petition was that the area of the school is only 65 cents and the Municipality has unilaterally decided to establish an Anganwadi without getting permission from the State Government. The learned Single Judge heard the parties, noticed the stand taken by the Municipality as well as the 7th respondent, held that the norms prescribed by the

Government for establishment of Anganwadi have been adhered to by the Municipality.

4. Learned counsel appearing for the Municipality submits that the construction of the building for Anganwadi has already been completed, inauguration of the building has already been done and the Anganvady is functioning now.

5. The appellant/writ petitioner is the President of the PTA, who has been objecting for the construction of the anaganwadi on the ground that the area of the school is very less and permission of the Government has not been taken. The learned Single Judge, having come to the finding that the norms prescribed by the Government for establishment of Anganwadi have been adhered to by the Municipality, there is no reason to interfere with the judgment of the learned Single Judge in this writ appeal. Further, Anganwadi has already been constructed, inaugurated and is still functioning.

With the above observation, this writ appeal is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/03/11/2015

