

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WA.No. 2015 of 2014 () IN WP(C)NO.31088/2014

AGAINST THE JUDGMENT IN WP(C) 31088/2014 of HIGH COURT OF KERALA.

APPELLANT(S)/ADDITIONAL 6TH RESPONDENT IN WRIT PETITION:

P. RAVEENDRAN, AGED 44 YEARS,
S/O.VASU,
PRESIDENT OF THE PARENT TEACHERS' ASSOCIATION
AND SCHOOL MANAGEMENT COMMITTEE,
ARALAM GOVERNMENT HIGHER SECONDARY SCHOOL,
RESIDING AT PUTHIYEDATH HOUSE, POOTHAKKUNDU,
ARALAM P.O., PIN 670704.

BY ADVS.SRI.V.C.JAMES
SRI.K.KUNHIKRISHNAN
SRI.E.HARIDAS

RESPONDENT(S)/PETITIONER IN THE WRIT PETITION AND
RESPONDENTS 1 TO 5 IN THE WRIT PETITION.:

1. CYRUS PADUVA (MINOR), AGED 16 YEARS,
S/O.GEORGE, PADUVA HOUSE, ARALAM.P.O.
KANNUR-670704
REPRESENTED BY GUARDIAN & FATHER GEORGE.

2. THE PRINCIPAL,
ARALAM GOVERNMENT HIGHER SECONDARY SCHOOL,ARALAM
GOVERNMENT HIGHER SECONDARY SCHOOL,
ARALAM.P.O., KANNUR DISTRICT-670704.

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3. THE DEPUTY DIRECTOR,
REGIONAL HIGHER SECONDARY DEPARTMENT, P.O. KANNUR,
PIN 670001.

4. THE DIRECTOR,
DEPARTMENT OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM-695001.

5. THE REGISTRAR,
KERALA STATE COMMISSION FOR PROTECTION OF
CHILD RIGHTS,
SREEGANESH, TC 14/2036, VANROSS JUNCTION,
KERALA UNIVERSITY P.O., THIRUVANANTHAPURAM-34.

6. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-695001.

R1 BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
BY ADV. SRI.CIBI THOMAS
R2-6 BY SENIOR GOVERNMENT PLEADER
SRI. T. RAMAPRASAD UNNI.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

W.A. No.2015 of 2014

Dated this the 29th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

Heard the learned counsel for the appellant for admission of this appeal.

2. Learned counsel for the 1st respondent, who is the writ petitioner, raised a preliminary objection that the writ appeal is not presented following the provisions of Rule 41 of the Rules of the High Court of Kerala, 1971. We see that the pleadings of the respondents are not placed on record. We affirm that objection. This shall be taken note of by the Registry for guidance hereafter, without fail. Be that as it may, having heard the learned counsel for the appellant, we think that the matter need not have to be adjourned on the premise that the aforementioned rules have not been complied with.

3. Writ petitioner, a student, was removed from the

rolls of the school where he was studying. He moved the Kerala State Commission for Protection of Child Rights. That authority issued an order. That order is not challenged by any party in the proceedings from which this appeal arises. The student was, in the meanwhile, removed from the rolls under the provisions of the Kerala Education Rules. The impugned judgment is issued directing that such removal, for whatever be the reason, requires fair play and compliance of the principles of natural justice and the Principal of the school was directed to complete the disciplinary proceedings and take a final decision and that, in the meanwhile, the student should be permitted to pursue his studies in the school, offering utmost discipline while attending the school. We take note of the fact that the writ petitioner is a Plus Two student, essentially in the last phase of his higher secondary education. We are of the view that the directions issued by the learned single Judge do warrant interference in an intra-court appeal under Section 5 of the Kerala High Court Act. This writ appeal, therefore, fails. It shall be taken that we have not expressed anything on the merits or otherwise of the disciplinary proceedings or other

matters in relation to the student concerned.

In the result, this writ appeal is dismissed in limine.

Sd/-

(THOTTATHIL B. RADHAKRISHNAN, JUDGE)

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge