

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 1298 of 2015 (S)

PETITIONER:

**P. SURENDRAN,
GENERAL SECRETARY, STATE COMMITTEE,
JANATADAL(UNITED), BINDHU NIVAS, KARUMOM,
THIRUVANANTHAPURAM-695 002**

**BY ADVS.SRI.P.CHANDRASEKHAR
SRI.S.PRASANTH
SRI.SOORAJ T.ELENJICKAL
SRI.P.A.MOHAMMED SHAH
SMT.UMA
SRI.B.PRASANTH
SRI.T.S.SARATH**

RESPONDENTS:

- 1. THE CHAIRMAN,
CENTRAL BOARD OF SECONDARY EDUCATION,
SHIKSHA KENDRA , 2, COMMUNITY CENTRE, PREET VIHAR,
DELHI-110 009**
- 2. THE SECRETARY,
CENTRAL BOARD OF SECONDARY EDUCATION, SIKSHA VIHAR,
2, COMMUNITY CENTRE, NEW DELHI-110 092**
- 3. THE JOINT SECRETARY AND REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION, 2ND FLOOR,
BLOCK B, LIC DIVISIONAL OFFICE, CAMPUS, PATTOM,
TRIVANDRUM-695 004**
- 4. THE PRINCIPAL,
VIVEKANANDA VIDYA MANDIR, MANVILA, PANGAPPARA P.O.,
THIRUVANANTHAPURAM-695 581**
- 5. THE PRINCIPAL,
BHARATIYA VIDHYABHAVAN SENIOR SECONDARY SCHOOL,
KODUNGANNOOR, THIRUVANANTHAPURAM-695 513**

R1 TO R3 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 1298 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE COMPLAINT DTD 7/7/2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT**
- P2:- A TRUE COPY OF THE COVERING LETTER DTD 24/9/2014 ALONG WITH ENCLOSURES**
- P3:- A TRUE COPY OF THE COMPLAINT DTD 14/11/2014 OF THE PETITIONER TO THE 1ST RESPONDENT**
- P4:- A TRUE COPY OF THE COMPLAINT DTD 22/12/2014 TO THE RESPONDENT 1 TO 3 ALONG WITH ENCLOSURES**
- P5:- A TRUE COPY OF THE RELEVANT PAGES OF THE AFFILIATION BYELAW OF THE CBSE**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

**ASHOK BHUSHAN, Ag.CJ
& A.M.SHAFFIQUE, J.**

W.P.C.No.1298 of 2015

Dated this the 22nd day of January 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioner.

2. This public interest litigation has been filed by the petitioner who claims to be the General Secretary of a recognised political party as well as a public spirited citizen. He has approached this Court seeking a mandamus to respondents 1 to 3 to enquire into the irregularities, illegalities and corrupt practices of respondents 4 and 5, as highlighted by him in Ext.P4. Respondents 4 and 5 are private institutions affiliated to Central Board of Secondary Education (CBSE) and they are regulated by the affiliation Bye Laws. On a complaint filed by the petitioner, CBSE has taken cognizance and a letter dated 24/09/2014 was issued to the petitioner forwarding the comments received from the

Principal of the institution. Petitioner, still being not satisfied, has made further allegations. Various powers are given to CBSE in regard to taking action against the institution which violates the affiliation Bye Laws.

3. CBSE, having already taken cognizance of the complaint, we see no reason to entertain the petition as a public interest litigation. Remedy of the petitioner is to pursue the matter before CBSE who is the authority competent to consider the allegations and take appropriate action, as permissible under law. This *writ petition* cannot be entertained as a public interest litigation under Article 226 of the Constitution and hence dismissed.

(sd/-)

**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

