

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 13TH DAY OF APRIL 2012/24TH CHAITHRA 1934

WP(C).No. 9385 of 2012 (W)

PETITIONER(S):

1. ST.FRANCIS READING ASSOCIATION,
CORPORATE EDUCATIONAL AGENCY,,
MATTOM P.O., THRISSUR DISTRICT,
REP. BY ITS SECRETARY M.I. ANTO.
2. THE VICAR,
ST. THOMAS FORANE CHURCH, MATTOM,
CORPORATE MANAGER,
ST. FRANCIS READING ASSOCIATION,
CORPORATE EDUCATIONAL AGENCY,
MATTOM P.O., THRISSUR DISTRICT.

BY ADVS. SRI.DEEPU THANKAN,
SMT.SONIA GEORGE.

RESPONDENT(S):

1. THE DIRECTOR OF PUBLIC INSTRUCTION,
TRIVANDRUM-695 001.

* ADDL. R2 TO R19 IMPEADED

2. JOSEPH JACOB C., S/O.LATE C.M. JACOB,
CHIRAMMEL HOUSE, S.V. COLONEY,
KOZHIKODE DISTRICT-6.
3. M.M. FRANCIS, S/O.LATE MATHEW M.P.,
MULAKKAL HOUSE, P.O.NAMBAZHICKAD,
MATTOM, THRISSUR DISTRICT-680 602.
4. M.T. GEORGE, S/O.LATE THOMAS,
MALLIYEMAVU HOUSE, MATTOM P.O.,
THRISSUR DISTRICT-680 602.
5. E.K. THOMAS, S/O.LATE KURIAKOSE,
EDAKKALATHOORE HOUSE,
MATTOM P.O., THRISSUR-680 602.
6. M.K. VARGHESE, S/O.KOCHAPPAN,
MULAKKAL HOUSE, CHELUR,
THRISSUR DISTRICT-680 602.
7. PEEYUS T.L., S/O.T.C. LONAPPAN,
KOONAMUCHI P.O., 680 504.
8. E.A. JOSE, S/O.E.T. AIPPUNNY,
EMMATTY HOUSE, P.O. MATTOM,
THRISSUR-680 602.

9. C.A. THOMAS, S/O.C.T. ANTONY,
CHIRAMMEL HOUSE, P.O. MATTOM,
THRISSUR-680 602.
 10. C.E. SIMON, S/O.CHAKKUNNY,
CHAKKRAMAKIL HOUSE, P.O. MATTOM,
THRISSUR-680 602.
 11. C.S. THOMAS, S/O.C.T. SIMON,
CHITILAPPILLY HOUSE, P.O. MATTOM,
THRISSUR-680 602.
 12. K.O. THOMAS, S/O.K.T. OUSEPH,
KAKKASSERY HOUSE, CONVENT ROAD,
P.O. MATTOM, THRISSUR-680 602.
 13. JOHNSON KAKKASSERY, S/O.K.O. IYYUNNY,
KAKKASSERY, P.O. ALUR, MATTOM, THRISSUR-680 602.
 14. T.D. GEORGE, S/O.T.T. DEVASSY,
THALAKKOTTUR HOUSE, P.O. VAKKA,
MATTOM, THRISSUR-680 602.
 15. K.P. THOMAS, S/O.K.U. PETER,
KAJIAMAKAYIL HOUSE, P.O. MATTOM,
THRISSUR-680 602.
 16. C.T. DEVASSY, S/O.C.C. THOMA,
CHIRAMMEL HOUSE, P.O. NAMBAZHICKAD,
MATTOM, THRISSUR-680 602.
 17. K.R. LONAKKUTTY, S/O.RAPPAI KUTTOR,
KUTTOOR HOUSE, P.O. MATTOM, THRISSUR.
 18. K.M. ANTONY, S/O.MATHEW,
KAKKASSERY HOUSE, P.O. VAKKA,
MATTOM, THRISSUR-680 602.
 19. C.J. JOHNY, S/O.JOSEPH CHOVALLOOR,
CHOVALLUR HOUSE, P.O. MATTOM,
THRISSUR-680 602.
- * ADDL. R2 TO R19 ARE IMPEADED AS PER ORDER DATED 13/04/2012
IN I.A. NO.5749/2012.

R1 BY GOVT. PLEADER MR.M.A. FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-04-2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS OF THE ADDL. DEPUTY
DIRECTOR OF PUBLIC INSTRUCTION DATED 23.12.1968.
- EXHIBIT P2: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT
IN O.P.NO.17955/2001 DATED 13.12.2001.
- EXHIBIT P3: TRUE COPY OF THE ORDER OF THE RESPONDENT DATED 11.3.2002.
- EXHIBIT P4: TRUE COPY OF MINUTES OF THE MEETING OF THE ASSOCIATION.
- EXHIBIT P5: TRUE COPY OF THE REQUEST DATED 20.8.2010.
- EXHIBIT P6: TRUE COPY OF JUDGMENT OF THIS HON'BLE COURT
IN W.P.NO.36168/2009 DATED 15.2.2012.
- EXHIBIT P7: TRUE COPY LETTER ISSUED BY THE RESPONDENT DATED 4.2.2012.
- EXHIBIT P8: TRUE COPY OF THE APPLICATION OF THE 1ST PETITIONER
ON 27.2.2012.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

T.R. RAMACHANDRAN NAIR, J.

~~~~~  
**W.P.(C). No.9385/2012-W**  
~~~~~

Dated this the 13th day of April, 2012

J U D G M E N T

Petitioners claim to be an Association represented by the Secretary and the Vicar of the Church.

2. It is stated that the first petitioner is a Corporate Educational Agency of three schools at Mattom in Thrissur District and the second petitioner is the approved Manager of those schools.

3. The prayer made herein is regarding the consideration of Ext.P8 by the Director of Public Instruction. Therein, the petitioner seeks for approval of amendment of the Constitution of the Educational Agency.

4. The petitioners have produced Ext.P6, a common Judgment of this Court in W.P.(C).Nos.36168/2009 and 37682/2009. It appears that there were various disputes with regard to the approval of the Manager. In fact, the additional respondents impleaded herein are stated to be parties to the said writ petition also. I am not going into the merits of the matter since the learned counsel for the petitioners only seeks for a direction to the Director of Public Instruction to take a decision on Ext.P8.

5. Heard the learned Government Pleader, who submitted that Ext.P7 communication dated 04/02/2012 of the Director of Public

Instruction shows that the amendment of the Constitution cannot be approved till the receipt of the Judgment in W.P.(C). 37682/2009.

6. It is submitted by the learned counsel for the petitioners that Ext.P6 is the copy of the said Judgment and the same has already been produced also.

7. In that view of the matter, the writ petition is disposed of directing the Director of Public Instruction to take a decision on Ext.P8 after hearing the petitioners, additional respondents and any other interested parties within a period of two months from the date of receipt of a copy of this Judgment.

The petitioners will produce a copy of the writ petition along with a certified copy of the Judgment before the Director of Public Instruction for compliance. No costs.

Sd/ -

(T.R. Ramachandran Nair, Judge.)

ms