

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No.6475 of 2015 (H)

PETITIONER:

**HILL TOP PUBLIC SCHOOL PARENTS ASSOCIATION,
REG.NO.576/2009,PUTHIYARA,KOZHIKODE,
REPRESENTED BY ITS GENERAL SECRETARY,
RIYAS P.P.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE**

RESPONDENTS:

- 1. THE ASSISTANT SECRETARY,AFFILIATION UNIT,
CENTRAL BOARD OF SECONDARY EDUCATION,2,
COMMUNITY CENTRE,SHIKSHA KENDRA,PREET VIHAR,
DELHI - 110 301.**
- 2. THE DIRECTOR,CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE,THIRUVANANTHAPURAM - 695 004.**
- 3. MAN-ARUL HUDA TRUST,P.B.NO.5829,EMKE MANZIL,
KALLATHUR MUKKU,MANCAUD POST,
THIRUVANANTHAPURAM - 695 004.**
- 4. DR.KAMALUDDIN,CHAIRMAN,HILL TOP PUBLIC SCHOOL,
PUTHIYARA,KOZHIKODE - 673 004.**
- 5. SAMIR BIN KALAM,DIRECTOR,HILL TOP PUBLIC SCHOOL,
PUTHIYARA,KOZHIKODE - 673 004.**
- 6. P.ABDURAHIMAN,PRINCIPAL,HILL TOP PUBLIC SCHOOL,
PUTHIYARA,KOZHIKODE - 673004.**

**R1 & R2 BY SRI.DEVAN RAMACHANDRAN, SC, CBSE
R3 & R6 BY ADVS.SRI.BIJU ABRAHAM
SRI.B.G.BHASKAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.6475 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE NOTICE DATED 17/12/2014.

EXT.P2:TRUE COPY OF THE CLOSURE ANNOUNCEMENT DATED 27/12/2014.

EXT.P3:TRUE COPY OF THE REPLY TO EXT.P1 NOTICE DATED 29/12/2014.

EXT.P4:TRUE COPY OF THE REPRESENTATION DATED 27/01/2015.

**EXT.P5:TRUE COPY OF THE LETTER DATED 2/2/2015 WRITTEN BY THE 2ND
RESPONDENT.**

**EXT.P6:TRUE COPY OF THE LETTER DATED 06/02/2015 SENT BY THE 2ND
RESPONDENT.**

EXT.P7:TRUE COPY OF THE STOP MEMO DATED 05/02/2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6475 of 2015

Dated this the 6th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing Respondent No.3 to 6 not to close the Hill Top Public School, Puthiyara;

(ii) Issue a Writ of Certiorari or any other appropriate Writ, Order or direction, quashing Ext.P2 closure announcement;

(iii) Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing the 1st and 2nd Respondents to act on Ext.P4 representation in a time bound manner, before the end of the Academic Year 2015-16;

(iv) Grant such other reliefs as this Hon'ble Court may deem fit and proper to grant on the facts and in the circumstances of the case;
AND

(v) Award the Petitioner the costs of this Writ Petition."

2. The learned counsel for the petitioner submits that, the course of action, ie. being pursued by the respondent institution quite adversely affects the plight of the children, who are pursuing their studies in the School and that they will not be in a

position to complete their studies even during the academic year. It is also stated that, despite preferring a complaint in this regard before the authorities of the CBSE, the proceedings have not been finalised so far and hence the writ petition.

3. The learned counsel appearing for the party respondents submits that, the decision to close down the School has been taken under compelling circumstances and that, the petitioner cannot dictate terms to the said respondents to run the School, despite the adverse circumstances and calamities involved. The course of action being pursued by the School is strictly in conformity with the relevant provisions of law, simultaneously adding that closure of the School is never intended to be given effect from the middle of the academic year and that the same will be given effect only after completing the current academic year, ie. after 31.03.2014.

5. The learned Standing Counsel for the respondent Board submits that, pursuant to the complaint preferred by the petitioner, para-wise comments have already been sought for and that the matter will be finalised accordingly. The learned

counsel for the party respondents submits that the comments sought for by the concerned respondent have already been furnished.

In the above circumstances, the writ petition is disposed of, directing the first and second respondents to finalise the proceedings, forming the subject matter of Exts.P4 and P5 at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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