

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**

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 8335 of 2015 (S)

PETITIONER :

**P.RAJEESH, AGED 24 YEARS,
SON OF CHANDRAN, RESIDING AT PARANGITHODI HOUSE,
POST. VETTEKKARA, VIA. KATAMPAZHIPURAM, DIST. PALAKKAD
KERALA 678 633. (WORKING AS A FABRICATOR
IN A WORKSHOP AT KATAMPAZHIPURAM)**

BY ADV. SRI.S.RAMESH (KOLLENGODE)

RESPONDENTS :

- 1. STATE OF KERALA
REP. BY ITS PRINCIPAL SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
PATTOM, THIRUVANANTHAPURAM**
- 3. DISTRICT COLLECTOR, CIVIL STATION, PALAKKAD**
- 4. DEPUTY DIRECTOR OF EDUCATION
KERALA EDUCATION DEPARTMENT, CIVIL STATION, PALAKKAD**
- 5. MANAGER, JUNIOR BASIC SCHOOL KATAMPAZHIPURAM
PALAKKAD**

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI. P.I. DAVIS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF PAGE NO. 398 FROM BOOK UNIVERSITY OF MADRAS 1857-1957 THE HISTORY OF HIGHER EDUCATION IN SOUTH INDIA (RELEVANT PORTION)
- P2: INTERNET INFORMATION ABOUT CLOSING OF ORIENTAL COLLEGE OF SANSKRIT IN 1947 AT KATAMPAZHUPURAM.
- P3: RELEVANT PAGE NARRATING SANSKRIT SOCIETY FOR EDUCATION IN THE LOCAL HISTORY BOOK "DESAYANAM" WITH PICTURE.
- P4: TRUE COPY OF THE BASIC TAX RECEIPT IN THE NAME OF "SANSKRIT SOCIETY"
- P4(A): TRUE ENGLISH TRANSLATION OF EXT P4.
- P5: TRUE COPY OF THE BASIC TAX RECEIPT IN THE NAME OF INDIVIDUALS.
- P5(A): TRUE ENGLISH TRANSLATION OF EXT P5.
- P6: TRUE COPY OF THE DEED OF PURCHASE OF THE SCHOOL BY THE 5TH RESPONDENT
- P6(A): TRUE ENGLISH TRANSLATION OF EXT P6.
- P7: RELEVANT PAGE OF THE KERALA EDUCATION RULE.
- P8: ASSISTANT EDUCATION OFFICER ENQUIRY REPORT 20TH PARAGRAPH.
- P8(A): TRUE ENGLISH TRANSLATION OF EXT P8.
- P9: TRUE COPY OF THE RELEVANT PAGE OF WP(C) NO.14798 OF 2014 FILED IN KERALA HIGH COURT BY THE 5TH RESPONDENT.
- P10: NOTICE ISSUED BY THE DISTRICT COLLECTOR TO VILLAGE OFFICER FOR ENQUIRY.
- P10(A): TRUE ENGLISH TRANSLATION OF EXT P10
- P11: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT WITH ACKNOWLEDGMENT
- P11(A): TRUE ENGLISH TRANSLATION OF EXT P11.
- P12: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT WITH THE ACKNOWLEDGMENT.
- P12(A): TRUE ENGLISH TRANSLATION OF EXT P12
- P13: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT WITH ACKNOWLEDGMENT
- P13(A): TRUE ENGLISH TRANSLATION OF EXT P13

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.C.No.8335 of 2015

Dated this the 17th day of March 2015

J U D G M E N T

Shaffique, J

Petitioner has filed this writ petition in the form of a public interest litigation inter alia seeking the following reliefs:

“i) Issue a Writ of Mandamus or other appropriate Writs, Orders or Directions to the respondents 1 to 4 to inquire into the representation submitted by the petitioner Exhibits-11, 12 and Exhibits-13 and pass appropriate orders in accordance with law after providing an opportunity of hearing to the petitioner.

ii) Issue a Writ to 2nd, 3rd and 4th respondents to appoint an officer in the rank of the Assistant Educational Officer to oversee/supervise the functioning of the School till the investigation is completed and a report is submitted.”

2. Petitioner, who claims to be a public spirited citizen, complains about the School being managed by the

5th respondent. It is contended that the School was originally managed by Katampazhipuram Sanskrit School Society and without consent and approval of the members of the Society, it was purchased by the 5th respondent from one Smt.Gowri, who was a member of the Society. The petitioner complains that the action in transferring the school is in gross violation of the provisions of the Kerala Education Rules. Petitioner had given Ext.P12 complaint to the Secretary, Education Department, but no action has been taken in the matter and hence he has approached this Court.

2. Having regard to the allegations made, prima facie it appears that there is some dispute regarding title to the property, which cannot be agitated by the petitioner. However, since a school was functioning in the property, it is for the educational authorities to consider whether the transfer of the school and management has been done in accordance with the statutory provisions. Under such

circumstances, we do not think it necessary to issue notice to the 5th respondent. We only direct the competent authority to consider Ext.P12 and take appropriate decision in the matter.

With these observations, this writ petition is closed.

(sd/-)

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

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

