

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 13414 of 2012 (B)

PETITIONER(S) :

1. SUMAYYA T.,
AGED 10 YEARS, D/O.SAINUDHEEN,
THADATHIL HOUSE, AYAMKALAM P.O.,
THAVANOOR, MALAPPURAM DISTRICT.
2. SAFWAN T.,
AGED 12 YEARS, S/O.SAINUDHEEN, THADATHIL HOUSE,
AYAMKALAM P.O., THAVANOOR,
MALAPPURAM DISTRICT.
(PETITIONERS 1 AND 2 MINORS REPRESENTED BY FATHER
SAINUDHEEN, S/O.MOIDEEN, AGED 39, THADATHIL HOUSE
AYAMKALAM P.O., THAVANOOR, MALAPPURAM DISTRICT).

BY ADV. SRI.SUNNY MATHEW.

RESPONDENT(S) :

1. THE PRINCIPAL,
HILL TOP PUBLIC SCHOOL,
MARAVANCHERU, KUTTIPPURAM,
MALAPPURAM DISTRICT.
2. THE CHAIRMAN,
CENTRAL BOARD OF SECONDARY EDUCATION, NEW DELHI.

R1 BY ADV. SRI.TPM.IBRAHIM KHAN (SR.),
R1 BY ADV. SRI.K.M.ABDUL MAJEED &
BY ADV. SRI.DEVAN RAMACHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1: COPY OF THE ACHIEVEMENT RECORD PERTAINING TO THE 1ST PETITIONER.

EXT. P2: COPY OF THE REPORT BOOK PERTAINING TO THE 2ND PETITIONER.

RESPONDENT(S) ' EXHIBITS :

EXT. R1(A) : COPY OF THE NOTICE DATED 15/03/2012 ISSUED BY THE MANAGER OF THE FIRST RESPONDENT SCHOOL.

EXT. R1(B) : COPY OF THE RELEVANT PAGES OF THE ATTENDANCE REGISTER KEPT AND MAINTAINED IN THE SCHOOL IN STANDARD V.

EXT. R1(C) : COPY OF THE RELEVANT PAGES OF THE ATTENDANCE REGISTER KEPT AND MAINTAINED IN THE SCHOOL IN STANDARD VIII-A.

EXT. R1(D) : COPY OF THE PROCEEDINGS OF THE PARENT TEACHERS ASSOCIATION OF THE FIRST RESPONDENT SCHOOL DATED 16/05/2012.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.13414 of 2012

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Dated this the 10th day of March, 2015

JUDGMENT

The petitioners have approached this Court alleging that there were attempts on the part of the first respondent to terminate the petitioners from the school in which they are studying, without following the principles of natural justice.

2. The petitioners are studying in 5th and 8th standards of the Hill Top Public School, Maravanchery. They allege that they are studying in the school right from Kindergarten. Two elder brothers of them are also doing their 10th standard in the said school. According to the petitioners, they are obedient, studious and well mannered students as evidenced by Exts.P1 and P2 which are the report cards respectively for classes 4 and 7. They allege that they have not done anything to tarnish the good image of the school. Their father was one of the founder members of the trust which runs the school. Of

recently, the chairman developed ill Will towards their father as he had questioned in his capacity as the found of the trust some of the illegalities in the administration of the school; it is alleged.

3. The petitioners further allege that in order to wreck vengeance on their father, the petitioners are sought to be terminated from the school. Though the school was reopened on 4.6.2012, the attendance of the petitioners are not recorded. The first respondent is also harassing the petitioners by forcing them to obtain transfer certificate. According to the petitioners, they have a fundamental right to education provided under Article 21A of the Constitution and the first respondent is infringing the said right conferred on them. The grievance of the petitioners is that the first respondent is attempting to terminate them without following the principles of nature justice.

4. Today when the matter came up for hearing, the learned counsel for the first respondent submitted that the petitioners have re-

admitted to the next standard in the school and that the first respondent has no objection in allowing the petitioners to continue their education in the said school.

Recording the above submission, the writ petition is closed.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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