

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 15749 of 2010 (P)

PETITIONER(S):

**MUHAMMED, MANAGER,
DARURRAHMA HIGH SCHOOL,
THALAYAD. P.O., UNNIKKULAM VIA.,
KOZHIKODE.**

BY ADV. SRI.M.VIJAYAKUMAR.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.**

BY GOVT. PLEADER SRI.SOJAN JAMES.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REGISTRATION CERTIFICATE DATED 19/04/2000.
- EXT.P2 COPY OF THE CERTIFICATE NO.TECH 27/12A/17/CIT/2004-05
OF THE MINISTRY OF FINANCE DATED 28/01/2005.
- EXT.P3 COPY OF THE CERTIFICATE NO.C1-7313/RA OF THE KERALA STATE
WAKF BOARD, REGIONAL OFFICE DATED 01/03/2007.
- EXT.P4 COPY OF THE FITNESS CERTIFICATE ISSUED BY THE ASSISTANT
ENGINEER, LSGD SECTION BALUSSERY DATED 25/05/2008.
- EXT.P5 COPY OF THE ORDER NO.F.NO.341 OF 2007 25618 OF THE
NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS,
NEW DELHI DATED 19/02/2008.
- EXT.P6 COPY OF THE NOTIFICATION PUBLISHED IN DESHABHIMANI
DATED 07/07/2007.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.15749 of 2010

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Dated this the 3rd day of September, 2015

JUDGMENT

Alleging inaction on the part of the respondents is passing formal orders on the application submitted by the petitioner for recognition of a school, the petitioner has come up before this Court.

2. The petitioner is the manager of the Darurrahma High School, Thalayad in Kozhikode district. The petitioner alleges that school was declared as minority institution by the National Commission under the provisions of National Commission for Minority Institutions. The petitioner points out that the grant of status of minority institution means that the school should be able to function legally and the institution should have all the rights and obligation of other educational institution in the State.

3. The petitioner applied for recognition before the Government of Kerala and an application was submitted before the Director of Public Instruction, who forwarded the same to the District Educational Officer

calling for the details of the report. The District Educational Officer submitted a report to the Director of Public Instruction, who has not taken any action on the report of the District Educational Officer. It is pointed out that as per the provisions of the National Commission for Minority Educational Institutions Act, the school is entitled to function as minority education institution in the State. According to the petitioner, no further recognition is necessary for functioning the school. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

5. The learned counsel for the petitioner invited my attention to Ext.P6 advertisement on the basis of which, the petitioner made an application for recognition. Admittedly, the petitioner school was declared as a minority educational institution within the meaning of Section 2(g) of the National Commission for minority Educational Institution Act, 2004. According to the learned counsel for the petitioner, as per sub section (3) of Section 10 of the Act, the competent authority is bound to grant NOC to start minority institution.

6. It appears from record that the application submitted by the school in the year 2007 has not been rejected so far. However, no orders are passed on the application.

Therefore, the writ petition is disposed of directing the second respondent to consider the petitioner's request after affording the petitioner an opportunity of being heard and pass final orders on the same within a period of two months from the date of receipt of a copy of this judgment taking into account the report submitted by the District Educational Officer on 31.7.2007.

It is open to the petitioner to produce a copy of this judgment along with the report of the DEO before the second respondent at the earliest for speedy action.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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