

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 16562 of 2013 (S)

PETITIONER(S):

**N.VIJAYAMOHANAN
KAVAYATHEERAM (H), MANNAKANADAM P.O., ADIMALI 685561**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.NAIJU RAVINDRANATH**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY,
GENERAL EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM - 695 001.**
- 3. DIRECTOR, HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM
THE DIRECTORATE OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM - 695 001.**

**R1 BY ADV. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
SR.GOV.T.PLEADER SRI.JOE KALLIATH**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16562 of 2013 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - A TRUE COPY OF THE MANGALAM DAILY DATED 4-6-13.

**EXT.P2 - A TRUE COPY OF THE EDITORIAL COLUMN OF MATHRUBHOOMI DAILY
DATED 21-5-13**

1ST RESPONDENT(S)' EXHIBITS

**EXHIBIT R1(a): TRUE COPY OF DISTRICT WISE BREAK UP OF NUMBER OF
SEATS AVAILABLE FOR VARIOUS COURSES AND THE NUMBER OF STUDENTS
ELIGIBLE FOR HIGHER STUDIES.**

**EXT.R1(b): TRUE COPY OF LIST OF PANCHAYATS WHERE THERE ARE NO
EXISTING HIGHER SECONDARY SCHOOLS.**

//TRUE COPY//

PS TO JUDGE

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 16562 of 2013

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Dated this, the 24th day of July, 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed as a public interest litigation seeking for a mandamus directing respondents not to start new Higher Secondary Schools in the state without an expert feasibility study in the subject and to formulate fixed guidelines/rules in the matter of sanctioning new Higher Secondary Schools in tune with Chapter V of Kerala Education Rules.

2. A counter affidavit has been filed on behalf of the 1st respondent stating that pursuant to the Government Order dated 11/6/2013, Director of Higher Secondary Education invited applications as per circular dated 14/6/2013 and as a matter of policy, it was decided to ensure Higher Secondary School in each Panchayats in the State in a phased manner. In fact, the policy decision of the Government came to be challenged before this

W.P(C) No.16562/13

-:2:-

Court and by judgment dated 11/4/2014 in WA No.1341/2013 (***State of Kerala v. ST.Roch's High School-*** 2014 (3) KLT SN 15), this Court upheld the policy decision of the Government.

Under such circumstances, we do not think it necessary to proceed with the above writ petition. Accordingly, this writ petition is dismissed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge