

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 26874 of 2004 (Y)

PETITIONER(S):

**P.V.PRABHAVATHI, THADATHILTHODY HOUSE,
P.O. MARAYAMANGALAM, VIA. NELLAYA, PALLAKKAD DISTRICT.**

BY ADV. SRI.K.RAMAKUMAR (SR.)

RESPONDENT(S):

- 1. STATE OF KERALA, REP.BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (F) DEPARTMENT
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

[CORRECTED R1 BY ORDER DATED 23.9.04 IN I.A NO.12711/04]

- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
PERINTHALMANNA.**

ADDL. RESPONDENTS*

**R4 P.P.KARTHIYAYANI
 MANAGER, A.U.P SCHOOL
 ANAMANGAD, MALAPPURAM DISTRICT**

**R5 R. RAJAN, HINDI TEACHER
 A.U.P SCHOOL, ANAMANGAD
 MALAPPURAM DIST. 679 537**

[ADDL. R4 & R5 IMPEADED VIDE DATED 05.04.05 IN 4672/05]

**R,R4,R5 BY ADV. SRI.K.P.DANDAPANI (SR.)
R, BY ADV. SRI.T.RAMPRASAD UNNI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE PETITION SUBMITTED BY THE PETITIONER
BEFORE THE HON'BLE MINISTER FOR EDUCATION
DTD.20.12.03
- EXT.P2 COPY OF THE ORDER NO.1162/F2/04/G.EDN. DATED 6.01.04
GRANTING STAY BY THE GOVERNMENT.
- EXT.P3 COPY OF THE ORDER NO.1162/F2/04 G.EDN. DATED 31.08.04 OF
THE GOVERNMENT VACATING THE ORDER OF STAY.
- EXT.P4 COPY OF DECISION TAKEN BY THE FAMILY MEMBERS OF THE
PETITIONER'S FAMILY ON 5.2.06
- EXT.P5 COPY OF PETITION DT.13.2.06 BY THE PETITIONER BEFORE
THE R3

RESPONDENTS EXHIBITS:

- EXT.R4(A) COPY OF THE REGISTERED RELEASE DEED BEARING NO.804
DATED 12.3.97 EXECUTED IN FAVOUR OF THE 4TH
RESPONDENT.
- EXT.R4(B) COPY OF THE REGISTERED RELEASE DEED BEARING NO.3085
DATED 12.09.01 EXECUTED IN FAVOUR OF THE 4TH
RESPONDENT.
- EXT.R4(C) COPY OF REGISTERED RELEASE DEED BEARING NO.3262
DATED 28.11.62 EXECUTED IN FAVOUR OF THE 4TH
RESPONDENT.
- EXT.R4(D) COPY OF THE FITNESS CERTIFICATE DATED 4.7.04 ISSUED IN
FAVOUR OF A.U.P SCHOOL, ANAMANGAD.
- EXT.R4(E) COPY OF THE APPOINTMENT ORDER DATED 2.6.04 ISSUED IN
FAVOUR OF THE 2ND PETITIONER HEREIN.
- EXT.R4(F) COPY OF LETTER DATED 16.2.05 ISSUED BY THE 4TH
RESPONDENT HEREIN TO THE 1ST PETITIONER HEREIN.

// TRUE COPY //

P.A TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.26874 of 2004 - Y

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner, the daughter-in-law of the Manager of Anamangad A.U.P school, Malappuram, has filed I.A No.3414 of 2006, contending that some of the legal heirs of the said Manager had taken a decision, produced at Ext.P5, to appoint the petitioner as the Manager. The petitioner seeks consideration of the same. The writ petition itself was filed on the contention that one P.P.Karthiyayani, the daughter of the erstwhile Manager was appointed on consent, which was later withdrawn. The writ petitioner challenged the order, Ext.P3, vacating a stay which was originally granted by the Government, in a revision filed by the petitioner.

2. In Ext.P1, the petitioner had also contended that there was no free, voluntary or legal consent. It is also stated that there is a decision in a suit in which the title of the properties were up for consideration. The suit is said to have been decreed declaring that the school belongs to the members of the family. The decree is not produced herein. But 8 members are said to have consented to the petitioner being appointed as the Manger, by Ext.P4, which was intimated to the A.E.O by Ext.P5. The appointment of the additional 4th respondent as Manager is said to be by an order dated 24.01.1997. The challenge against that was made as per Ext.P1, not before the authorities under the Kerala Education Rules, but before the Minister.

3. In any event, at this point of time, there would be no purpose in directing consideration of a request made long back produced at Ext.P5, dated 13.02.2006. The question with respect to the managership of the school could definitely be

agitated by the legal heirs before the appropriate authorities under the Kerala Education Rules, if the question is still alive. Reserving such liberty, the writ petition would stand closed. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.