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 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 14595 of 2015 (Y)

PETITIONER :

A.A.PADMANABHAN AGED 56 YEARS
ATHANIKKAL HOUSE, P.O.THALAKKOTTUKARA, KECHERY
THRISSUR DISTRICT-680 501
MANAGER OF P.M.LOWER PRIMARY SCHOOL(CLOSED DOWN)
KIRALUR, THRISSUR DISTRICT-680 601.

BY ADVS.SRI.PAUL MATHEW (PERUMPILLIL)
SRI.PRASUN.S

RESPONDENTS :
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1. SUB INSPECTOR OF POLICE
ERUMAPETTY POLICE STATION, ERUMAPETTY P.O.
THRISSUR DISTRICT-680 584.

2. CIRCLE INSPECTOR OF POLICE
KUNNAMKULAM, THRISSUR DISTRICT-680 503.

3. DEPUTY SUPERINTENDENT OF POLICE
KUNNAMKULAM, THRISSUR DISTRICT-680 503.

4. ASSISTANT EDUCATION OFFICER
VADAKKANCHERRY, THRISSUR DISTRICT-680 503.

5. INDULEKHA , AGED 42 YEARS
W/O. KUTTAPPAN, PERUMBIL MADATHIL HOUSE
PUTTAKKARA P.O., PIN-680 541
WORKING AS HEADMISTRESS IN CHARGE
P.M.LOWER PRIMARY SCHOOL, KIRALUR
THRISSUR DISTRICT-680 601.

6. P.A.VASUDEVAN NAMBOOTHIRI, AGED 43 YEARS
S/O. ASTTAMURTHI NAMBOOTHIRI, PUTHUVAYA MANA
KIRALUR P.O., VELUR, THRISSUR-680 601.

7. V.D.LONAPPAN, AGED 65 YEARS
S/O. DEVASSY, VAZHAPPILY HOUSE, KARUR P.O.
MUMNDUR, THRISSUR-680 697.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR
R5 TO R7 BY ADV. SRI.ALIAS M.CHERIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14595 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS :

P1 : COPY OF THE FULL BENCH JUDGMENT DTD.19.11.2014 IN WPC NO.13702/2012.

P2 : COPY OF THE JUDGMENT DTD.12.11.2014 IN WA NO.653/2011.

P3 : COPY OF THE JUDGMENT DTD.19.1.2015 IN WPC NO.4254/2015.

P4 : COPY OF THE LETTER DTD.16.3.2015 SENT BY PETITIONER TO 4TH RESPONDENT.

P5 : COPY OF THE LETTER DTD.20.3.2015 SENT BY PETITIONER TO 5TH RESPONDENT.

P6 : COPY OF THE SAID LETTER DTD.24.3.2015 RECEIVED BY THE PETITIONER FROM THE OFFICE OF THE 4TH RESPONDENT.

P7 : COPY OF THE LETTER DTD.26.3.2015 ISSUED BY THE 5TH RESPONDENT TO PETITIONER.

P8 : COPY OF THE LETTER DTD.1.4.2015 SENT BY PETITIONER TO 4TH RESPONDENT.

P9 : COPY OF THE JUDGMENT DTD.20.6.2012 IN WPC NO.12995/2012.

P10 : COPY OF THE COMPLAINT MADE BEFORE THE 1ST RESPONDENT ON 13.4.2015 BY PETITIONER.

P11 : COPY OF WPC NO.12205 OF 2015 FILED BY THE RESPONDENTS 5, 6 & 7 BEFORE THIS HON'BLE COURT.

P12 : COPY OF THE COMPLAINT DTD.6.5.2015 FILED BEFORE THE 1ST RESPONDENT.

P13 : COPY OF THE COMPLAINT DTD.6.5.2015 FILED BEFORE THE 2ND RESPONDENT - CIRCLE INSPECTOR OF POLICE, KUNNAMKULAM.

P14 : COPY OF THE COMPLAINT DTD.6.5.2015 FILED BEFORE THE 3RD RESPONDENT.

P15 : COPY OF THE NOTICE STATING PUBLISHESD BY RESPONDENTS 5 TO 7.

P16 : PHOTOGRAPH SHOWING THE DAMAGE CAUSED TO THE SCHOOL BUILDING.

P17 : COPY OF THE COMPLAINT DTD.12.5.2015 MADE TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

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W.P.(C) No. 14595 OF 2015

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Dated this the 12th day of June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is *inter alia* contended that there has been a direction to close down a school in which he was the Manager, but the private respondents are obstructing him and not permitting the 4th respondent-Assistant Educational Officer (for short "AEO") to take over the records after closure of the school. Though complaints were given to the police, no action has been taken in the matter and therefore the petitioner has approached this Court.

2. Learned counsel for the private respondents would submit that the petitioner wanted to close down the school which was opposed by the people in the locality and Parent Teachers Association (for short "PTA") and even the Headmistress. Despite the fact the Manager was not taking any action, they were running the school for the last five years. W.P.(C) Nos. 12873 and 12205 of 2015 came to be filed

by the Manager of the School and the PTA respectively. In the writ petition filed by the PTA the contention urged was that the School should not be closed and Government should be directed to take over the school. The Manager has filed the writ petition seeking for a direction to close down the school and to direct the educational authorities to take away the records relating to the same.

3. Learned counsel for the petitioner placed before us the common judgment dated 08.06.2015 in the aforesaid writ petitions, by which the learned Single Judge, after considering the contentions urged by both the parties, dismissed the writ petition filed by PTA and has allowed the writ petition filed by the petitioner. A direction has been issued to the AEO to take over the records of the school from the petitioner forthwith and at any rate within a period of one week from the date of receipt of a copy of the judgment.

4. The apprehension expressed by the petitioner is that the records are kept in the school and the private respondents and their men may prevent the AEO from taking the

records. The eventuality expressed by the petitioner has not occurred now and the parties are bound by the abovementioned judgment of this Court. Learned counsel for the private respondents submitted that they have not even got the copy of judgment and after receiving the judgment, further action will be taken by them at the appropriate stage.

5. Having regard to the aforesaid facts and circumstances we do not think that a direction as prayed for in the writ petition should be granted. If the AEO is prevented from taking over the records as directed by learned Single Judge, it is always open for the said authority to approach the Police and police authorities shall do the needful in accordance with law.

With the above observation the Writ Petition is closed.

Ashok Bhushan,
Chief Justice.

A.M. Shaffique,
Judge.

ttb/12/06