

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14896 of 2015 (J)

PETITIONER(S):

**THE CORPORATE MANAGER,
ST.MARY MAGDALENE CONVENT EDUCATIONAL AGENCY,
ADUPUTTY HILLS, KANPPAYYUR, THRISSUR DISTRICT-680517.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAHPURAM-695014.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
KUNNAMKULAM, THRISSUR DISTRICT-680503.**

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE CONSTITUTION OF THE MANAGEMENT DATED 10/5/76 ALONG WITH AMENDMENT**
- P2: COPY OF THE SALE DEED DATED 25/4/89**
- P3: COPY OF THE PROCEEDINGS OF THE DEPUTY DIRECTOR DATED 13/11/02**
- P4: COPY OF THE STAFF LIST AS ON 4/6/12**
- P5: COPY OF THE STAFF LIST AS ON 1/6/06**
- P6: COPY OF THE G.O.(RT)NO.3354/2012/G.EDN.DATED 16/7/12 OF THE GOVT.**
- P7: COPY OF THE LETTER OF THE R2 DATED 15/10/14**
- P8: COPY OF THE REPLY OF THE PETITIONER DATED 26/3/15.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 14896 of 2015

Dated this the 21st day of May, 2015

JUDGMENT

The petitioner is an educational agency having four schools. There was a dispute raised by the respondent educational authorities, as regards the treatment to be accorded to the various schools under its management viz. whether the schools should be treated as separate units or part of the same unit for the purposes of the KER. Pursuant to Ext.P6 order passed by the Government, whereby the Director of Public Instructions was directed to take a suitable decision regarding the approval of appointment of Smt.Jimi P. Jose, the 2nd respondent by Ext.P7 communication to the petitioner, sought for production of certain documents, so as to decide the issue, that was entrusted to it. On receiving Ext.P7 communication, the petitioner, in anticipation of a possible adverse decision against him by the 2nd respondent on the issue referred above, preferred Ext.P8 representation before the 2nd respondent. The limited prayer in the writ petition is for a direction to the 2nd respondent to consider Ext.P8 representation and also hear the petitioner before taking a final decision pursuant to Ext.P6 order of the Government.

2. I have heard the learned counsel appearing for the

petitioner and also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider Ext.P8 representation preferred by the petitioner, and also hear the petitioner on the said representation, before taking any decision pursuant to Ext.P6 order of the Government. The 2nd respondent shall endeavour to pass orders in the matter, after hearing the petitioner, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE