

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

WP(C).No. 15514 of 2015 (L)

PETITIONER(S) :

**K.V.SUDHA, AGED 45 YEARS,
WIFE OF P.GASOK KUMAR, K.C.C EDUCATIONAL TRUST,
P.O.NARUVAMOODU, THIRUVANANTHAPURAM.**

**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 - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
CHALAI, THIRUVANANTHAPURAM - 695 034.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
BALARAMAPURAM, THIRUVANANTHAPURAM - 695 501.**
- 5. THE MANAGER,
S.R.S.U.P SCHOOL, PALLICHAL, NARUVAMOODU,
THIRUVANANTHAPURAM - 695 020.**
- 6. THE SECRETARY,
PALLICHAL GRAMA PANCHAYAT, NARUVAMOODUM,
THIRUVANANTHAPURAM - 695 020.**

R1 TO R4 BY GOVERNMENT PLEADER SRI.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE LETTER OF THE NATIONAL INSTITUTE OF OPEN SCHOOLING DATED 10.04.2012.
- P2: TRUE COPY OF THE LETTER DATED 16.01.2013 OF THE NATIONAL INSTITUTE OF OPEN SCHOOLING.
- P3: TRUE COPY OF THE LETTER DATED 24.03.2015 OF THE GOVERNMENT OF INDIA.
- P4: TRUE COPY OF THE LETTER NO.F/981/14 OF THE ASSISTANT EDUCATIONAL OFFICER DATED 18.07.2014.
- P5: TRUE COPY OF THE ORDER OF THE COMMISSION FOR PROTECTION OF CHILD RIGHTS DATED 01.09.2014.
- P6: TRUE COPY OF THE LETTER OF THE ASSISTANT EDUCATIONAL OFFICER DATED 16.09.2014.
- P7: TRUE COPY OF THE ORDER NO. F/2800/13 OF THE ASSISTANT EDUCATIONAL OFFICER DATED 13.12.2013.
- P8: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.13507/2014-K DATED 29.03.2014.
- P9: TRUE COPY OF THE ORDER OF THE ADDITIONAL DIRECTOR OF PUBLIC INSTRUCTIONS DATED 16.03.2015.
- P10: TRUE COPY OF THE PETITION FILED BEFORE THE HON'BLE MINISTER OF EDUCATION DATED 24.03.2015 ALONG WITH THE LETTER ADDRESSED TO THE MANAGER OF SRS UP SCHOOL DATED 07.01.2015.
- P11: TRUE COPY OF THE CERTIFICATE OF PALLICHAL GRAMA PANCHAYAT DATED 23.07.2013.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 15514 of 2015

Dated this the 2nd day of June, 2015

JUDGMENT

The petitioner is the Secretary of K.C.C. Educational Trust who is running the Eskay Public School, a recognised, unaided school with LKG, UKG and Standards I to VII. It is the case of the petitioner that owing to the premises of the school being land locked and the neighbouring premises, being the premises of SRS U.P. School, that is under the management of the 5th respondent, who is the mother of the petitioner, the school bus carrying children to the petitioner's school has been transiting through the premises of the SRS U.P. School for picking up and dropping the children of the petitioner's school. It is his contention that this arrangement does not cause any obstruction or inconvenience to the students or staff of the SRS U.P. School and, when it had applied for permission before the educational authorities in the past, the said permission was granted on a periodical basis. The facts in the writ petition would disclose that, pursuant to complaints, that were raised, inter alia, by the 6th respondent, the 4th respondent, by Ext.P4 communication, had directed the 5th respondent to take steps to prevent the passage, of school buses belonging to the petitioner, through the property of the 5th respondent school. It is also stated that, by Ext.P5 order of the

State Commission for Protection of Child Rights an order has been issued, in the interests of the welfare of the children, directing the stoppage of this practice of permitting the buses belonging to the petitioner to pass through the property of the 5th respondent school. Purportedly acting pursuant to Ext. P5 order, Ext.P6 order has been passed by the 4th respondent directing the 5th respondent school not to permit the passage of buses belonging to the petitioner through its compound. The petitioner would point out that, against these directions issued by the Educational Authorities, it has preferred Ext.P10 representation before the Hon'ble Minister for Education, which in turn, has been forwarded to the 1st respondent. The prayer of the petitioner in the writ petition is for a direction to the 1st respondent, to consider and pass orders on the said representation within a particular time frame and to permit the petitioner to use the premises of the 5th respondent school, with the consent of the said respondent, for the purposes of transporting children using the vehicles owned by the petitioner.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case, as also the submission made across the bar, I direct the 1st respondent to consider and pass orders on Ext.P10 representation preferred by the petitioner within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner and the 5th respondent. It is made clear that, till such time as orders are passed by the 1st respondent, as directed above, the arrangements that existed in the matter of passage of vehicles belonging to the petitioner, through the property of the 5th respondent school, prior to Ext.P6 order, shall continue to hold the field.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE