

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 16956 of 2014 (T)

PETITIONER(S):

**BEEMA MAHEEN MEMORIAL HIGHER SECONDARY SCHOOL,
BEEMAPALLY,
THIRUVANANTHAPURAM-695008
REPRESENTED BY ITS MANAGER.**

**BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.KANDAMPULLY RAHUL
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT GENERAL EDUCATION
DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE DIRECTOR,
DEPARTMENT OF HIGHER SECONDARY EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM -695 001.**
- 4. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM.**
- 5. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM -695 001.**

BY (SR) GOVERNMENT PLEADER SMT.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** COPIES OF THE ORDERS DATED 21/12/1996, 23/12/1997 AND 29/8/1980 OF THE 5TH RESPONDENT GRANTING PERMANENT RECOGNITION UNDER RULE IV OF CHAPTER V KER FROM STANDARD 8 TO 10 TO THE PETITIONER SCHOOL.
- EXHIBIT P2:** A TRUE COPY OF THE RELEVANT PORTION OF THE ORDER DATED 23/7/2002 OF THE 1ST RESPONDENT SANCTIONING UNAIDED PLUS TWO COURSE TO THE SCHOOL.
- EXHIBIT P3:** A TRUE COPY OF THE ORDER DATED 23/5/2003, SANCTIONING ONE ADDITIONAL BATCH TO THE PETITIONER SCHOOL FROM THE ACADEMIC YEAR 2003-2004.
- EXHIBIT P4:** A TRUE COPY OF THE ORDER DATED 24/9/2012 OF THE 2ND RESPONDENT SANCTIONING ONE ADDITIONAL BATCH TO THE PETITIONER SCHOOL FROM THE ACADEMIC YEAR 2012-2013.
- EXHIBIT P5:** A TRUE COPY OF ONE OF THE REPRESENTATION DATED 19/11/2004, SUBMITTED BY THE MANAGEMENT OF THE PETITIONER SCHOOL BEFORE THE THEN MINISTER OF EDUCATION.
- EXHIBIT P6:** A TRUE COPY OF THE REPLY DATED 6/7/2012 RECEIVED FROM THE 4TH RESPONDENT, TO THE PETITIONER.
- EXHIBIT P7:** A TRUE COPY OF THE REPLY DATED 20/02/2013 RECEIVED FROM THE 2ND RESPONDENT, TO ONE OF THE REPRESENTATIONS SUBMITTED ON BEHALF OF THE PETITIONER.
- EXHIBIT P8:** TRUE COPIES OF THE REPRESENTATIONS DATED 20/09/2013, SUBMITTED ON BEHALF OF THE PETITIONER SCHOOL BEFORE THE 1ST AND 2ND RESPONDENTS.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.16956 OF 2014

Dated this the 27th day of March, 2015

JUDGMENT

The petitioner is a recognised unaided Higher Secondary school at Beemapally in Thiruvananthapuram, which is represented by its Manager. They approached the Government for aid through Ext.P8 representation. The case is that the school is located in a backward area of Thiruvananthapuram District in the midst of the fishermen and others, who belong to poor family. It is submitted that, only with an object of discharging the public function, they run the school. They seek aid from the Government to discharge such public functions.

2. In this writ petition, a detailed statement has been filed by the 5th respondent opposing the prayer of the petitioner. In that statement reference is made to Chapter V of the KER, which provides the method of opening of new schools and upgrading of existing schools. It is also stated that as per

Rule 2(A), the Director has to issue notification as to where the new schools are to be opened or upgraded. It is further stated that while granting recognition to the petitioner school, the applicant might have executed an undertaking in the formate that he should not move the Government at any point of time for seeking conversion of the school into aided school.

3. The learned counsel for the petitioner submits that they have not executed any such undertaking. It is further submitted that the Government has to advert to the backwardness of the area wherein the petitioner school is situated and it is the duty of the Government to develop the backward area by granting sufficient aid to the petitioner school.

4. I am not expressing anything on the merits of the matter. It is essentially a matter of policy for the Government to be worked out after adverting to the relevant facts and relevant provisions of Law.

5. In view of the above facts and circumstances, there shall be a direction to the respondents to consider Ext.P8 representation of the petitioner in accordance with law, after affording an opportunity of hearing to the petitioner within a period of four months from the date of receipt of a copy of

W.P.(C) No.16956/2014

.2.

this judgment.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

