

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 19272 of 2014 (H)

PETITIONER :

**THE MANAGER,
HIGHER SECONDARY SCHOOL, VALAYANCHIRANGARA,
PERUMBAVOOR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT(S):

- 1. THE GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY, EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM - 695 001.**
- *3. THE MANAGER,
EBENASAR HIGH SCHOOL, VEETTOOR,
MUVATTUPUZHA - 686 721. (DELETED)**

***R3 IS DELETED FROM THE PARTY ARRAY AS PER THE ORDER
DATED 31/07/2014 IN IA.NO. 10297/2014**

**R1 & R2 BY ADDL. ADVOCATE GENERAL SRI.K.A.JALEEL
BY SPL.GOVERNMENT PLEADER SRI.T.T.MUHAMOOD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE GOVERNMENT ORDER (G.O.M.S.NO.E1/2001
G. EDUCATION) DT. 23.2.2001.**
- P2 - TRUE COPY OF THE LETTER DT. 28.5.12.**
- P3 - TRUE COPY OF THE COMMUNICATION SEND BY THE 2ND RESPONDENT TO
THE 1ST RSPONDENT DT. 27.7.12.**
- P4 - TRUE COPY OF THECOMMUNICATION DT. 03.1.13.**
- P5 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
DT. 29.5.14.**
- P6 - TRUE COPY OF THE NEWS ITEMS PUBLISHED IN THE MATHRUBHUMI DAILY
DT. 24.7.14.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.19272 of 2014**  
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Dated this the 26th day of March, 2015

J U D G M E N T

The petitioner is the Manager of an aided Higher Secondary School at Valayanchirangara. This school appears to have been established in the year 1915. It was sanctioned an addition batch in Commerce in the year 2001. Since the sanction was granted belatedly during the academic year 2000-2001, they could not commence classes. Though several requests were made thereafter, the petitioner's school was not permitted to commence classes. Petitioner relies on Ext.P3 dated 27/07/2012 and submits that the Director has recommended the educational need of the locality and submitted his report.

2. It can be seen that pursuant to the Six Member Committee's report, the Government sanctioned only Science batch in the petitioner's school. Petitioner submits that no sanction was given in Commerce batch. Therefore, it is submitted that based on the original sanction given to the petitioner's school, the petitioner's school shall be permitted to commence Commerce batch in Higher Secondary wing.

3. The learned Government Pleader opposed the prayer of the petitioner. It is submitted that taking into account the educational need, another school, Ebenasar High School, Veettoor, Muvattupuzha has already been granted upgradation and, therefore, the petitioner's school cannot be granted sanction for Commerce batch as the educational need has already been met by sanctioning upgradation to Ebenasar High School.

4. Learned counsel for the petitioner points out that no additional batch in Commerce has been granted to Ebenasar High School. They have not yet commenced any classes in Commerce and, therefore, there is no

difficulty for the Government in sanctioning additional batch in Commerce to the petitioner.

5. This Court is of the view that since the petitioner's school has been granted additional batch in Commerce in the year 2001, the matter requires serious reconsideration at the hands of the Government for granting permission to the petitioner to commence additional batch in Commerce. Therefore, appropriate decision shall be taken in this matter by the Government after hearing the petitioner and Ebenasar High School within a period of two months notwithstanding any observation made by the Secretary in Ext.P4 regarding the educational need as the educational need is answered by the Secretary without advertng to the educational need as contemplated under the Kerala Education Act and Rules. Petitioner submits that the educational need referred in the report only indicates existence of private colleges and parallel colleges which cannot be taken into account for satisfying the educational need of a particular

W.P.(C).No.19272/2014

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location. In the light of the facts and circumstances, the Government shall reconsider the matter after advertng to Ext.P3 report of the Director of Higher Secondary Education within the time indicated as above.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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