

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19483 of 2015 (I)

PETITIONER :

**RUGMINI VASUDEVAN, AGED 65 YEARS,
W/O. LATE VASUDEVAN, KODIYILAZHIKATH HOUSE,
VELIAM WEST P.O., KOTTARAKKARA PIN-691 540**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENTS :

- 1. THE SECRETARY, GENERAL EDUCATION DEPT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM 695001**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
DISTRICT EDUCATION OFFICE, KOTTARAKKARA 691 506**
- 4. R. RAJENDRAN
PUTHIYAKKAL HOUSE, KAREEPRA, PIN-691 509**

R1 TO R3 BY GOVERNMENT PLEADER SMT. LOWSY A

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF GO(MS) NO.88/79/G.EDN. DATED 02.06.1979.
- EXHIBIT P2: TRUE COPY OF APPOINTMENT ORDER DATED 05.11.2012 OF SUJANYA AS FT MENIAL AND APPROVED BY THE 3RD RESPONDENT DEO.
- EXHIBIT P3: TRUE COPY OF APPOINTMENT ORDER DATED 1.6.2012 OF MANIKUTTAN B, AS PEON AND APPROVED BY THE 3RD RESPONDENT DEO.
- EXHIBIT P4: TRUE COPY OF APPOINTMENT ORDER DATED 1.6.2011 OF ASWATHY T. AS HSA MATHS AND APPROVEDBY THE 3RD RESPONDENT DEO.
- EXHIBIT P5: TRUE COPY OF APPOINTMENT ORDER DATED 1.6.2012 OF KUMARY USHA AS HEADMISTRESS AND APPROVED BY THE 3RD RESPONDENT DEO
- EXHIBIT P6: TRUE COPY OF APPOINTMENT ORDER DATED 4.6.2012 OF SANTHOSH D SEVG AS HAS AND APPROVED BY THE 3RD RESPONDENT DEO
- EXHIBIT P7": TRUE COPY OF APPOINTMENT ORDER DATED 1.6.2010 OF REETHA RAVINDRAN AS HAS ENGLISH AND APPROVED BY DEO.
- EXHIBIT P8: TRUE COPY OF WILL REGISTERED AS DOCUMENT NO.45/2013 DATED 31.5.2013 OF EZHUKON SRO
- EXHIBIT P9: TRUE COPY OF APPLICATION DATED 5.2.2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- EXHIBIT P10: TRUE COPY OF REPRESENTATION SUBMITTED BY LATE VASUDEVAN BEFORE THE RDO DATED 29.10.2013
- EXHIBIT P11: TRUE COPY OF NOTICE DATED 6.12.2013 ISSUED BY THE 3RD RESPONDENT TO LATE VASUDEVAN
- EXHIBIT P12: TRUE COPY OF EXPLANATION DATED 16.12.2013 SUBMITTED BY LATE VASUDEVAN BEFORE THE 3RD RESPONDENT
- EXHIBIT P13: TRUE COPY OF LETTER DATED 17.2.2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- EXHIBIT P14: TRUE COPY OF JUDGMENT IN WPC 5522/2014 DATED 11.3.2014 OF THIS HONOURABLE COURT.
- EXHIBIT P15: COPY OF ORDER NO. 83/3104/2013 DT 17/7/2014 OF R3.
- EXHIBIT P16: COPY OF ORDER NO. B3/3104/2013/L.DIS. DT 15/11/2014 OF THE R3.

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EXHIBIT P17: COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE R2 UNDER
RULE 4(3) OF CHAPTER II OF THE KER.

EXHIBIT P18: COPY OF THE ORDER NO. ET1/18584/14/DPI K.DIS. DT 26/5/2015
ISSUED BY THE R2.

EXHIBIT P19: COPY OF REVISION PETITION 32283/F/2015 G.EDN. DT 16/6/2015 FILED
BY THE PETITIONER BEFORE THE R1.

EXHIBIT P20: COPY OF THE STAY PETITIN IN EXHIBIT P19 REVISION PETITION.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 19483 of 2015

Dated this the 29th day of June, 2015

JUDGMENT

The petitioner is the widow of late Sri.Vasudevan, who was the Manager of T.V.Thomas Memorial High School, Veliam from 1979 to January 2014 . The dispute in the instant case is with regard to the Management of the school consequent to the demise of the said Sri.Vasudevan. It is the case of the petitioner in the writ petition that, while the School has all along being recognised as one managed by an individual educational agency, by Ext.P18 order, which was passed in an appeal preferred against Ext.P16 order, which in turn was passed, based on the directions issued by this Court, the 2nd respondent has, acting on a registered trust deed of 1985 that was produced before him, directed the 3rd respondent, who was acting as the Manager of the School during the pendency of the litigation, to hand over the management of the School to the 4th respondent. Aggrieved by Ext.P18 order, the petitioner has preferred Ext.P19 revision petition and Ext.P20 stay petition before the 1st respondent. In the writ petition, the limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass orders on the revision petition and the stay petition and to keep in abeyance Ext.P18 order in the interregnum.

2. I have heard Sri.S.Sreekumar, the learned senior counsel appearing for the petitioner and also the learned Government Pleader appearing for the official 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 1st respondent to consider and pass orders on Ext.P19 revision petition and Ext.P20 stay petition, within a period of two months from the date of receipt of a copy of this judgment. Taking note of the inter se dispute between the petitioner and the 4th respondent, in respect of the management of the School, I deem it fit to direct the 3rd respondent to continue to be in management of the School pending a decision by the 1st respondent on the revision petition preferred by the petitioner. The 1st respondent shall pass orders, within the time frame indicated above, after hearing the petitioner, 4th respondent and other affected parties, if any. The petitioner shall produce a copy of the writ petition, together with a copy of this judgment, before the 1st respondent, for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE