

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 22228 of 2014 (C)

PETITIONER(S) :

INDIRA GANDHI MEMORIAL VOCATIONAL HIGHER SECONDARY SCHOOL
MANJAKALA, THALAVOOR, KOLLAM DISTRICT
REPRESENTED BY SUHASHCHANDRAN, THE CORPORATE MANAGER
CORPORATE EDUCATION AGENCY OF I.G.M.V.H.S.S.
MANJAKKALA, THALAVOOR, KOLLAM DISTRICT-691 001.

BY ADV. SRI.BENNY GERVACIS

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM-695 001.

3. THE DISTRICT EDUCATIONAL OFFICER
KOLLAM-691 001

4. THA MANAGER
DEVI VIASAM VOCATIONAL HIGHER SECONDARY SCHOOL
THALAVOOR, KOLLAM DISTRICT.

R1-R3 BY ADV. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
R BY SPL. GOVERNMENT PLEADER TO ADDL. AG:ADV.SRI.TT MEHMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P1.TRUE COPY OF THE RESOLUTION ADOPTED BY THE THALAVOOR GRAMA PANCHAYATH

EXT.P2.TRUE COPY OF THE G.O. DATED 11/6/2013.

EXT.P3.TRUE COPY OF THE CIRCULAR BY THE 2ND RESPONDENT DATED 17/6/2013.

EXT.P4.TRUE COPY OF THE APPLICATION DATED 25/6/2013 SUBMITTED BY THE PETITIONER SCHOOL PURSUANT TO THE NOTIFICATION

EXT.P5.TRUE COPY OF THE G.O.ORDER DATED 24/5/2014.

EXT.P6.TRUE COPY OF THE JUDGMENT IN WPC NO.14903/2014 AND CONNECTED CASES.

EXT.P7.TRUE COPY OF THE RELEVANT EXTRACT OF THE SIX MEMBER COMMITTEE REPORT

EXT.P8.TRUE COPY OF THE G.O. ALONG WITH THE RELEVANT EXTRACT OF THE SCHOOL WHEREIN HIGHER SECONDARY COURSES HAVE BEEN SANCTIONED IN KOLLAM DISTRICT.

EXT.P9.TRUE COPY OF THE ORDER IN THE WPC NO.20776/2014 AND CONNECTED CASES.

EXT.P10.TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 20/8/2014.

EXT.P11.TRUE COPY OF THE CIRCULAR ISSUED BY THE 2ND RESPONDENT DATED 20/8/2014.

EXT P12. TRUE COPY OF the ORDER ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTIONS APPROVING THE CONSTITUTION OF CORPORATE MANAGEMENT

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.22228 of 2014
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Dated this the 09th day of April, 2015

JUDGMENT

Petitioner school represented by corporate manager is an applicant for Higher Secondary School. Petitioner's school is situated in Thalavoor Grama Panchayath in Kollam district. Ext.P4 is the application for grant of Higher Secondary Course. It is admitted position that there is no Higher Secondary School in the panchayath. However, petitioner submits that even though petitioner is entitled for sanction of Higher Secondary School, 4th respondent has been granted sanction. Petitioner further submitted that 4th respondent has no facility or any other infrastructure to start Higher Secondary Course. Petitioner challenges sanction granted to the 4th respondent.

2. Even though notice has been issued to the 4th respondent, none appeared for them. Petitioner submits that Regional Deputy Director has given a report to the effect that the 4th respondent failed to provide requisites for starting the higher secondary course.

3. In the facts and circumstances, I am of the view, petitioner's objection in granting school to the 4th respondent

shall be considered by the first respondent after hearing the 4th respondent and if necessary, after obtaining report from the Regional Deputy Director or from such other competent authority. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

This Writ Petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/17/04/15