

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23079 of 2015 (H)

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PETITIONERS :

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1. K.S.ANSARI, AGED 66 YEARS,  
SON OF M.K SAINUDHIN, KUPPAVILAKOM, EDAVA,  
THIRUVANANTHAPURAM 695 311.
2. K.A HAFSA BEEVI,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
3. K.S NAZIR,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
4. K.A JASMINE,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
5. K.S NASSIM,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
6. K.A SURAIYA,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
7. K.S ZAKARIYA,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
8. K.A SABEENA,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
9. K.A HASEENA,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
10. K.A THAZINIYA,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.
11. K.A HAFSANA,  
KUPPAVILAKOM, EDAVA, THIRUVANANTHAPURAM 695 311.

BY ADVS.SRI.V.A.MUHAMMED  
SRI.M.SAJJAD

WP(C).No. 23079 of 2015 (H)

RESPONDENTS:

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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,  
THIRUVANANTHAPURAM 695 033.
4. THE DISTRICT EDUCATIONAL OFFICER,  
ATTINGAL, THIRUVANANTHAPURAM 695 101.
5. THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION,  
THIRUVANANTHAPURAM 695 014.
6. SRI. SANZAR YASSIR,  
MANAGER,  
M.R MUHAMMED KUNJU MEMORIAL MUSLIM HIGHER SECONDARY SCHOOL,  
EDAVA, THIRUVANANTHAPURAM 695 311.
7. SRI K.S.YASSIR,  
EDUCATIONAL AGENCY MEMBER,  
M.R MUHAMED KUNJU MEMORIAL MUSLIM HIGHER SECONDARY SCHOOL,  
EDAVA, THIRUVANANTHAPURAM 695 311.

BY GOVERNMENT PLEADER SMT.LOWRY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23079 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P-1 TRUE COPY OF THE BYLAWS OF THE EDUCATIONAL AGENCY.

EXHIBIT P-1(a) TRUE COPY OF THE PROCEEDINGS ORDER NO.B4/8686/10  
DATED 09-09-2010 OF THE DEPUTY DIRECTOR.

EXHIBIT P-2 TRUE COPY OF THE DECLARATION OF SRI K.S YASSIN  
DATED 28-01-2015.

EXHIBIT P-2(a) TRUE COPY OF THE ORDER NO B4/1390/2015/D.DIS  
DATED 8-5-2015 OF THE DIST.EDL.OFFICER.

EXHIBIT P-3 TRUE COPY OF THE NOTICE OF THE MANAGER DATED 25-06-2015.

EXHIBIT P-4 TRUE COPY OF THE MINUTES OF THE MEETING DATED 15-07-2015.

EXHIBIT P-5 TRUE COPY OF THE REQUEST OF THE MANAGER DATED 16-07-2015.

EXHIBIT P-6 TRUE COPY OF THE APPLICATION FOR CHANGE OF MANAGEMENT DATED  
15-07-2015.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

**ANIL K.NARENDRA, J.**

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**W.P.(C)No.23079 of 2015**  
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**Dated this the 13<sup>th</sup> day of August, 2015**

**JUDGMENT**

M.R.Muhammed Kunju Memorial Muslim Higher Secondary School, Edava is an aided School under the Corporate Educational Agency. The petitioners and the 7<sup>th</sup> respondent are the 12 members of the Educational Agency. The 6<sup>th</sup> respondent was appointed as Manager of the School for the period from 1.3.2015 to 29.2.2016, as nominated by the 7<sup>th</sup> respondent. As the Manager, the 6<sup>th</sup> respondent mismanaged the affairs of the School and failed to convene the meeting of the Educational Agency. The other members, i.e. the petitioners have convened the meeting of the Educational Agency and in the meeting, Ext.P4 decision has been taken to remove the 6<sup>th</sup> respondent from the managership and appointed 5<sup>th</sup> petitioner as the Manager of the School, for the remaining period from 15.7.2015 to 29.6.2016. Accordingly, along with Ext.P5 representation, Ext.P6 application is submitted before the District Educational Officer, the 4<sup>th</sup> respondent herein, for

approval of the change of management which is still pending. In such circumstances, the petitioners have filed this Writ Petition seeking the following reliefs:-

- i) issue a writ of mandamus or other appropriate writ order or direction commanding the 4<sup>th</sup> respondent to approve Exhibits P5 and P6 applications submitted for change of Management of M.R.Muhamed Kunju Memorial Muslim Higher Secondary School, Edava in favour of the 5<sup>th</sup> petitioner.
- ii) issue a writ of mandamus or other appropriate writ order or direction commanding the 4<sup>th</sup> respondent to take a decision on Exhibits P-5 and P-6 in time bound manner with notice to the petitioners.
- iii) pass such other order or direction which this Hon'ble Court may deem fit and proper to grant in the circumstances of the case.

2. Today when the case was taken up for further consideration the learned Government Pleader on instructions submitted that Ext.P5 representation and Ext.P6 application are pending consideration before the 4<sup>th</sup> respondent.

3. Considering the fact that Exts.P5 and P6 are pending consideration before the 4<sup>th</sup> respondent this Writ Petition is disposed of directing the 4<sup>th</sup> respondent to consider and pass appropriate orders on Exts.P5 and P6 strictly in accordance with law, after affording the petitioners and respondents 6 and 7 an opportunity of being heard, as expeditiously as possible at any rate within a period of two months from the date of receipt of a certified copy of this judgment.

It is made clear that this Court has not expressed anything on the merits of the claim made by the petitioners in Exts.P5 and P6 and it is for the 4<sup>th</sup> respondent to take an appropriate decision strictly in accordance with law.

**ANIL K.NARENDRA, JUDGE**

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