

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).NO. 23248 OF 2015 (E)

PETITIONER(S):

**P.B.JAYALAKSHMI
HEADMISTRESS & MANAGER
SNVLP SCHOOL, PADIYOOR P.O., IRNJALAKUDA
THRISSUR DISTRICT**

**BY ADVS.SRI. M. SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT(S):

**1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695001**

**2. THE DISTRICT EDUCATIONAL OFFICER,
IRINJALAKUDA-680121**

**3. THE ASSISTANT EDUCATIONAL OFFICER,
IRINJALAKUDA-680121**

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).NO. 23248 OF 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: THE TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DT.9.6.2015

EXT.P2: THE TRUE COPY OF THE APPLICATION FOR PERMISSION TO TRANSFER
SUBMITTED BEFORE THE 1ST RESPONDENT DT.14.07.2015

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.23248 of 2015

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Dated this the 3rd day of August, 2015

J U D G M E N T

The petitioner, who is the manager of a School, and seeks to transfer the ownership and management of the said School, had approached the 3rd respondent for necessary permission to transfer the ownership and management of the School. By Ext.P1 order, the 3rd respondent refused to grant the permission on the ground that there was a civil suit pending where the prayer was for an injunction to injunct the petitioner from effecting the transfer of the ownership and management of the said School. It is stated by counsel for the petitioner that, there is no order passed in the civil suit which would prevent the petitioner from effecting the transfer of ownership and management of the School. At any rate, aggrieved by the said order passed by the 3rd respondent, the petitioner has preferred Ext.P2 application before the 1st respondent and the limited prayer of the petitioner in the writ petition is for a direction to the 1st respondent to consider the matter independently and untrammelled by the mere existence of the civil suit.

2. I have heard the learned counsel for the petitioner and the

learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I direct the 1st respondent to consider and pass orders on Ext.P2 application submitted by the petitioner for permission to effect a transfer of the ownership and management of the said School. While passing orders on the said application, the 1st respondent shall enquire as to whether there is any order passed in the civil suit that prevents the petitioner from transferring the ownership and management of the said School in favour of a third person. If there is no such order, then the 1st respondent shall consider the application preferred by the petitioner independently, based on the provisions of the KER and the mere pendency of the suit shall not be a reason for not passing orders on the application preferred by the petitioner. The 1st respondent shall pass orders as directed within a period of one month from the date of receipt of a copy of this judgment after hearing the petitioner. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 1st respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

