

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 23556 of 2014 (T)

PETITIONER :

**REV. FR. SEBASTIAN KALAPURAKKAL,
MANAGER, ST.SEBASTIAN'S HIGH SCHOOL
CORPORATE EDUCATIONAL AGENCY
UNDER ST.MARY'S FORANE CHURCH, KANJOOR
ERNAKULAM DISTRICT.**

**BY SENIOR ADVOCATE SRI.N.N.SUGUNAPALAN
SRI.S.SUJIN**

RESPONDENT(S) :

- 1. THE REGIONAL DEPUTY DIRECTOR OF SECONDARY EDUCATION,
ERNAKULAM.**
- 2. THE JOINT DIRECTOR (ACADEMY),
DIRECTORATE OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM-695 001.**
- 3. THE DIRECTOR OF HIGHER SECONDARY EDUCATION AND
CHAIRMAN OF THE SIX MEMBER COMMITTEE FOR
SANCTION OF HIGHER SECONDARY SECTION
DIRECTORATE OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM-695 001.**
- 4. STATE OF KERALA,
REP. BY CHIEF SECRETARY, GOVT. SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

***ADDL. R5 IMPEADED**

***ADDL.R5. ST. JOSEPH GIRLS HIGH SCHOOL
CHERUKAL P.O., KALADY
REPRESENTED BY THE CORPORATE MANAGER
SISTER ANNI DAVIS, CMS MARY MATHA PROVINCE
ANAGAMALY, VENGOOR, PIRARUR P.O.,
ERNAKULAM – 683 574.**

***ADDL. R5 IS IMPEADED AS PER ORDER IN IA NO. 12284/2014
DATED 6/4/2015.**

***ADDL. R6. KANJOOR GRAMA PANJAYATH
KANJOOR P.O. - 683 575
REPRESENTED BY THE SECRETARY.**

***ADDL. R6 IS IMPEADED AS PER ORDER IN IA NO. 12846/2014
DATED 6/4/2015.**

**R1 TO R4 BY SR. GOVT. PLEADER SMT. SUNITHA VINOD
ADDL.R5 BY ADV. SRI.GEORGE POONTHOTTAM
ADDL.R6 BY ADVS. SRI.T.SAJI
SRI.T.V.JAYAKUMAR NAMBOODIRI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1** TRUE COPY OF THE RESOLUTION PASSED BY THE KANJOOR GRAMA PANCHAYATH TO REQUEST THE GOVERNMENT FOR SANCTIONING HIGHER SECONDARY IN THE PETITIONER'S SCHOOL.
- EXHIBIT P2** TRUE COPY OF THE REPRESENTATION DATED 22-05-2013 SUBMITTED BY SRI K.DHANAPALAN M.P.
- EXHIBIT P3** TRUE COPY OF THE REPRESENTATION DATED 06-06-2013 SUBMITTED BY SRI. ANWAR SADATH, M.L.A.
- EXHIBIT P4** TRUE COPY OF THE REPRESENTATION DATED 06-06-2013 SUBMITTED BY THE ERNAKULAM DISTRICT COMMITTEE OF THE COMMUNIST PARTY OF INDIA (MARXIST).
- EXHIBIT P5** TRUE COPY OF THE REPRESENTATION DATED 09-06-2013 SUBMITTED BY THE SNBP YOGAM, KANJOOR SAKA.
- EXHIBIT P6** TRUE COPY OF THE REPRESENTATION DATED 07-06-2013 SUBMITTED BY THE NSS KARAYOGAM, KANJOOR.
- EXHIBIT P7** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE RESIDENTS OF THE PANCHAYATH AND THE PARENT-TEACHERS OF THE SCHOOL.
- EXHIBIT P8** TRUE COPY OF THE APPLICATION DATED 17-06-2013 ALONG WITH COVERING LETTER DATED 19-06-2013 SUBMITTED BY THE PETITIONER.
- EXHIBIT P9** TRUE COPY OF THE CERTIFICATES ISSUED BY THE REGIONAL DIRECTOR AND DISTRICT EDUCATIONL OFFICER DATED 21-06-2013 AND 22-06-2013 RESPECTIVELY.
- EXHIBIT P10** TRUE COPY OF THE LIST DATED 8-8-2014.
- EXHIBIT P11** TRUE COPY OF THE CIRCULAR DATED 8-8-2014.
- EXHIBIT P12** TRUE COPY OF THE NEWS ITEM IN THE MALAYALA MANORAMA DAILY DATED 3-8-2014 REGARDING THE CELEBRATION OF THE HIGHER SECONDARY SECTION IN THE SCHOOL.
- EXHIBIT P13** TRUE COPY OF THE INTERIM ORDER DATED 18-08-2014 IN WP(C) NO. 20513/2014 AND CONNECTED CASES.
- EXHIBIT P14** TRUE COPY OF THE LIST PUBLISHED IN THE WEB SITE DATED 20-08-2014.

(Contd...)

WP(C).No. 23556 of 2014 (T)

EXHIBIT P15 TRUE COPY OF THE LIST OF STUDENTS WHO SUBMITTED
APPLICATION FOR PLUS TWO ADMISSION.

EXHIBIT P16 TRUE COPY OF THE RECOMMENDATION OF THE SIX MEMBER
COMMITTEE.

COPY OF THE G.O.(MS) NO. 247/2014/GEN.EDN DATED 24.11.2014.

EXHIBIT P17 TRUE COPY OF THE RESOLUTION PASSED BY THE PANCHAYATH.

COPY OF THE REPRESENTATION SUBMITTED BY
SRI. JOSE K. GEORGE TO THE DIRECTOR, HIGHER SECONDARY
EDUCATION.

EXHIBIT P18 TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S SCHOOL
AND ITS COMPOUND/PLAY GROUNDS.

EXHIBIT P19 TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S SCHOOL
AND ITS COMPOUND/PLAY GROUNDS.

EXHIBIT P20 TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S SCHOOL
AND ITS COMPOUND/PLAY GROUNDS.

EXHIBIT P21 COPY OF THE APPLICATION DATED 17.6.2013 SUBMITTED BY THE 5TH
RESPONDENT SCHOOL.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

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W.P.(C) No.23556 of 2014

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Dated this the 6th day of April, 2015

JUDGMENT

Petitioner is the manager of the Corporate Educational Agency which runs the School under the St.Mary's Forane Church. According to the petitioner, this school was established about a century back, catering to the needs of the Backward and Scheduled Caste community, who are the majority in that area in Kanjoor Pancayat in Ernakulam District. Sanction was accorded for up-gradation to Higher Secondary by Ext.P10 order. However, pursuant to the interim direction of this Court in W.P.(C) No.18176/14 and connected cases passed by this Court, the sanction was only limited to the schools which were included in the list prepared by the Six Member Committee. In fact the 5th respondent, another Corporate Agency in the same Panchayat was included in the list prepared by the Six Member Committee

and they approached this Court by W.P.(C) No.20513/2014 challenging the Government's decision. By virtue of the interim order as referred above, they have been sanctioned Higher Secondary courses. The petitioner has no challenge against their claim. Further this Court disposed of the W.P.(C) NO.20513/2014 making the sanction order dated 24.11.2014 as absolute. In that view of the matter, there is no inter se dispute between the petitioner and the 5th respondent. However, it is to be noted that the Government found, as per Ext.P10, that the petitioner's school otherwise is eligible for sanction for up- gradation.

2. The prayer of the petitioner is to re-consider the petitioner's application by the Government. I am of the view, notwithstanding the fact that up-gradation of 5th respondent school has been granted by the Government as per sanction order dated 24.11.2014, the petitioner's case has to be considered in the light of Ext.P10. Therefore, appropriate decision has to be taken on the petitioner's application by the

4th respondent within a period of six weeks from the date of receipt of a copy of the judgment.

The writ petition is disposed of.

A. MUHAMED MUSTAQUE, JUDGE

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