

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25089 of 2015 (I)

PETITIONER(S):

1. CHANDRIKA GOPINATHAN,
W/O.LATE GOPINATHAN, RESIDING AT: "KANTHIMATHI",
GANDHINAGAR, KUTHIRAKULAM, KIZHAKKUMKARA MURI,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.
2. SHYAM,
S/O.LATE GOPINATHAN, RESIDING AT: "KANTHIMATHI",
GANDHINAGAR, KUTHIRAKULAM, KIZHAKKUMKARA MURI,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (A) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY DIRECTOR OF EDUCATION,
ATTINGAL, THIRUVANANTHAPURAM, PIN - 596 101.
4. THE DISTRICT EDUCATIONAL OFFICER,
ATTINGAL, THIRUVANANTHAPURAM, PIN - 596 101.
5. SRI.DIVIJENDER REDDY, AGED 40 YEARS,
S/O.SIVA REDDY, SOFTWARE ENGINEER,
RESIDING AT AT "NIMMA", STATIONGANPUR VILLAGE,
WARRANGAL DISTRICT, ANDHRAPRADESH.

Msv/

WP(C).No. 25089 of 2015 (I)

6. SHRI.GODHAVARMA,
R.R.V.V.H.S.S., KILIMANOOR,
THIRUVANANTHAPURAM - 695 601.
7. SMT.INDIRA BAI,
R.R.V.V.H.S.S., KILIMANOOR,
THIRUVANANTHAPURAM - 695 601.
8. SMT.SABEENA BEEVI,
ARABIC TEACHER, R.R.V.V.H.S.S., KILIMANOOR,
THIRUVANANTHAPURAM - 695 601.

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.1133/2008 OF SRO, KILIMANOOR.

EXHIBIT P2. TRUE COPY OF APPLICATION DATED 21.04.2008 SUBMITTED BY
LATE GOPINATHAN BEFORE THE 2ND RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE COMMUNICATION DATED 04.07.2013 ISSUED BY THE
PUBLIC INFORMATION OFFICER, DISTRICT EDUCATIONAL OFFICE.

EXHIBIT P4. TRUE COPY OF JUDGMENT DATED 05.11.2013 IN WP(C)NO.37352/2010 OF
THIS HON'BLE COURT.

EXHIBIT P5. TRUE COPY OF LEGAL HEIRSHIP CERTIFICATE ISSUED BY THE
TAHSILDAR, NEDUMANGAD DATED 24.07.2014.

EXHIBIT P6. A TRUE COPY OF STATEMENT OF OBJECTION FILED BY THE
5TH RESPONDENT IN O.S.NO.367/2014 BEFORE THE MUNSIFF COURT,
ATTINGAL.

EXHIBIT P7. TRUE COPY OF WILL DEED NO.39/2008 OF S.R.O., WARRANGAL.

EXHIBIT P8. TRUE COPY OF ORDER DATED 11.06.2015 IN WP(C)NO.15179/2015 OF
THIS HON'BLE COURT.

EXHIBIT P9. TRUE COPY OF HEARING NOTICE DATED 21.05.2015 ISSUED BY THE
2ND RESPONDENT.

EXHIBIT P10. TRUE COPY OF ORDER NO.ET4/48373/09/DPI DATED 30.05.2015 ISSUED
BY THE 2ND RESPONDENT.

EXHIBIT P11. TRUE COPY OF APPEAL MEMORANDUM FILED BY THE PETITIONERS
BEFORE THE 1ST RESPONDENT.

EXHIBIT P12. TRUE COPY OF JUDGMENT DATED 19.06.2011 IN O.P.NO.3505/2001 OF
THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

ANIL K. NARENDRA, J.

W.P.(C) No.25089 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

According to the petitioners, as per Ext.P1 sale deed, Sri Gopinathan and the 5th respondent purchased Raja Ravi Varma Vocational Higher Secondary School and Raja Ravi Varma High School for Girls, Kilimanoor, aided schools administered under the provisions of Kerala Educational Rules. The said Gopinathan died. The petitioners are legal heirs of late Gopinathan. After the death of late Gopinathan, the petitioners and the 5th respondent became Corporate Educational Agency of the schools referred above. During the life time of Sri Gopinathan, he filed representation before the 2nd respondent to change the management and ownership of the schools. After his death, the dispute arises between the petitioners and the 5th respondent with respect to management of the schools. A Civil suit is pending in O.S. No.367/2014 in the Munsiff Court, Attingal. In the meanwhile, the 2nd respondent issued Ext.P10 order, iter alia, appointing the 5th respondent as the temporary Manager of the

schools, who is settled at Hyderabad and could not manage the day to day affairs of the schools. Against Ext.P10 order the petitioner has filed Ext.P11 appeal before the Government under Rule 5A(2) of Chapter III of KER. The main grievance of the petitioners in this writ petition is that Ext.P11 appeal is still pending consideration before the Government and in the meantime, coercive steps are being taken by respondents 2 and 3 to approve the appointment of the 8th respondent, who has been appointed as Arabic Teacher.

2. I heard the arguments of the learned counsel for the petitioner and also the learned Senior Government Pleader appearing for respondents 1 to 3.

3. Since Ext.P11 statutory appeal filed by the petitioners against Ext.P10 order is still pending consideration before the 1st respondent, I deem it appropriate to dispose of this writ petition without going into the merits of the contentions raised by the petitioners.

4. In such circumstances, this writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Ext.P11 appeal filed by the petitioners, as expeditiously as possible, at any rate, within one month from the

date of receipt of a copy of this judgment, with notice to the petitioners and also to respondents 5 to 8. Till such time, approval of appointment of the 8th respondent shall be kept in abeyance.

It is made clear that it is for the 1st respondent to pass appropriate orders on Ext.P11 appeal strictly in accordance with law and that this Court has not expressed anything on the merits of the claim made by the petitioners.

SD/-
ANIL K. NARENDRA,
JUDGE

JV