

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 28581 of 2014 (W)

PETITIONER(S):

1. MALAVIKA SHAJI, AGED 11 YEARS,
6TH STANDARAD, KENDRIYA VIDYALAYA,
PERINGOME, REPRESENTED BY HER FATHER,
ADV.SHAJIMON K @ SHAJIMON KARUN, MALAVIKA SAADAN,
KURUKOTTY, MATHIL P.O., PIN-670 307.
2. ABHILASH R NAIR, AGED 11 YEARS,
6TH STANDARAD, KENDRIYA VIDYALAYA, PERINGOME,
REPRESENTED BY HER FATHER, RAMACHANDRAN PALERI,
PALERI HOUSE, K.P.NAGAR, PERINGOME P.O., PIN-670 307.

BY ADV. SRI.LINDONS C.DAVIS

RESPONDENT(S):

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
MINISTRY OF HUMAN RESOURCES DEVELOPMENT,
NEW DELHI-110 001.
2. KENDRIYA VIDYALAYA SANGATHAN,
REPRESENTED BY ITS COMMISSIONER, 18,
INSTITUTIONAL AREA, SHAHEED JEET SINGH MARG,
NEW DELHI-110 016.
3. KENDRIYA VIDYALAYA, PERINGOM, KANNUR-695 014,
REPRESENTED BY ITS PRINCIPAL.
4. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY SRI.N.NAGARESH, A S G
R2 & R3 BY SRI.K.MAYANKUTTY MATHER, SC
R4 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 28581 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY GUIDELINES PUBLISHED BY THE CENTRAL GOVERNMENT ALONG WITH ORDER DATED 25/7/2013.
- EXT.P2: TRUE NOTICE DEMANDING FEE FOR THE MONTH OF JULY 2013 ONWARDS FROM THE STUDENTS ISSUED BY KENDRIYA VIDYALAYA, PERINGOME.
- EXT.P3: TRUE COPY THE COMMON JUDGMENT IN WPC NO.13900/2013 AND WA.NO.1353/2013.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 28581 of 2014

Dated this the 4th day of February, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- "I) Issue a Writ of certiorari or any other appropriate writ quashing Ext.P2 as unjust, illegal and unconstitutional.*
- II) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondents to provide free and compulsory education to the petitioners' up to 14 years of age at kendriya Vidyalay, Peringome.*
- III) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondent No.4 to reimburse all the expenditure incurred by the 3rd respondent for providing free and compulsory education to the petitioners from July 2013 onwards.*
- IV) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondents to refund the entire amount collected as fees or otherwise for the petitioner's education to their parents from the month of July 2013 onwards.*
- V) To declare that the petitioners are eligible for free and compulsory education up to 14 years from Kendriya Vidyalaya, Peringome."*

2. Today, when the matter came up for consideration, the learned standing counsel appearing for the respondents 2

and 3 submits that, implementation of Ext.P3 judgment passed by the Division Bench of this Court has already been stayed by the Apex Court, by virtue of which, the said respondents are not in a position to implement the revised VVL and computer fee.

3. The said submission is recorded.

4. Learned counsel for the petitioners points out that, no interim order was passed when the matter was pending consideration before this Court and the petitioners were constrained to satisfy the fees as per Ext.P2, at the enhanced rate.

5. This being the position the writ petition is disposed of, without prejudice to the rights of the petitioner to pursue the matter in terms of the verdict to be passed by the Apex Court. The claim to have refund, if any, will depend upon the outcome of the proceedings pending consideration before the Apex Court.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE