

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 37781 of 2007 (W)

PETITIONER(S):

**AMRUTHA ENGLISH MEDIUM UPPER PRIMARY
SCHOOL, POLACHIRA P.O., KOLLAM, REPRESENTED BY
ITS MANAGER.**

**BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM.**

BY GOVERNMENT PLEADER SRI.SOJAN JAMES

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 37781 of 2007 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF G.O.(RT) NO.114/97/G/EDN. DTD.13.1.1997.

EXT.P2(a): TRUE COPY OF THE VERIFICATION REPORT DTD.19.3.2004.

EXT.P2(b): TRUE COPY OF THE VERIFICATION REPORT DTD.3.5.2005.

EXT.P3(a): TRUE COPY OF THE ORDER NO.B1/2079/05 DTD.4.5.2005.

EXT.P3(b): TRUE COPY OF THE ORDER NO.B1/811/07 DTD.12..4.2007.

EXT.P4: TRUE COPY OF THE APPLICATION FOR PERMISSION DTD.20.12.2003.

EXT.P5: TRUE COPY OF THE VISIT REPORT DTD.21.4.2004.

EXT.P6: TRUE COPY OF THE ORDER G.O.(RT) NO.4589/06/G.EDN. DTD.20.10.2006.

EXT.P7: TRUE COPY OF THE JUDGMENT IN WP(C) NO.31860 OF 2006 DTD.6.3.2007.

EXT.P8: TRUE COPY OF THE G.O.(RT) NO.1338/07/G.ED. DTD.23.3.2007.

EXT.P9: TRUE COPY OF G.O.(P) NO.107/07/G.EDN. DTD.13.6.2007.

EXT.P10: TRUE COPY OF THE REPRESENTATION DATED NIL.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 37781 of 2007

Dated this the 30th day of September, 2015

J U D G M E N T

The petitioner is the Manager of the Amrutha English Medium Upper Primary School. The petitioner alleges that the students of the said school belong to economic weaker section of the society. According to the petitioner, the school is collecting only a nominal fees from the students and is imparting quality education. Periodical inspections are conducted by the educational authorities, who, on satisfaction, had recommended for granting recognition to the school. Every year, examinations are conducted for the VIth standard of the school after obtaining prior sanction from the educational authorities. The petitioner alleges that on the basis of Ext.P7 judgment, the Government has issued Ext.P8 order, by which, sanction for conducting examination in the same school would be granted as a last chance only for the academic year 2006-2007. Since the petitioner satisfied all the preconditions for obtaining sanction as provided under the KER, a request has been submitted as evidenced by Ext.P10.

..2..

The petitioner's grievance is that though the High Level Committee constituted by the Government had recommended for grant of recognition to schools situated in remote areas and catering to the needs of rural students, the Government, by Ext.P7 order, had decided not to grant recognition to any unaided unrecognized schools except the school in Malabar region. According to the petitioner, the said decision is unreasonable and arbitrary and is violative of Article 14, 19(1) (g) and 21 of the Constitution of India. Hence, this writ petition.

3. Arguments have been heard.

As it is submitted by the learned counsel for the petitioner that Ext.P10 representation is pending before the Government, the writ petition is disposed of directing the respondents to consider and pass appropriate orders on Ext.P10, if not disposed of so far, after affording the petitioner an opportunity of being heard within a period of three months from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-