

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 35746 of 2010 (P)

PETITIONER(S):

1. K.PAVITHRAN,
AGED 45 YEARS, S/O.CHANDANKUNHI K, HEADMASTER
PERALAM U.P.SCHOOL, KOZHUMMAL P.O., KANNUR DISTRICT
AND RESIDING AT KODIPURAYIL HOUSE, KOZHUMMAL P.O.
KANNUR DISTRICT.
2. P.BHASKARAN,
AGED 54 YEARS, S/O.KORAN, PRESIDENT,
PARENTS TEACHER ASSOCIATION, PERALAM U.P.SCHOOL,
KOZHUMMAL P.O., KANNUR DISTRICT.
AND RESIDING AT PULUKKOOL HOUSE, KOZHUMMAL P.O.,
KANNUR DISTRICT

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S):

1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.PIN-695001
2. STATE SPORTS COUNCIL,
REP.BY ITS SECRETARY, THIRUVANANTHAPURAM, PIN-695 001
3. TFPF(TOTAL PHYSICAL FITNERSS PROGRAMME)
CO-ORDINATOR, VAZHUTHAKKAD, THIURVANANTHAPURAM. PIN-695001.
* (R3 IS DELETED FROM THE PARTY ARRAY AS
PER ORDER DATED 13/12/2013 IN IA 16804/2013)
4. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR, PIN-670 001
5. THE HEADMASTER, I.J.M HIGHER
SECONDARY SCHOOL, P.O.KOTTIYOOR, KANNUR DISTRICT.
PIN-670 007

R BY GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGES OF THE MANUAL OF COMPLETE PHYSICAL FITNESS.

EXHIBIT P2: TRUE COPY OF THE COMPLAINT DATED 19.07.2010 FILED BY THE 1ST PETITIONER.

EXHIBIT P3: TRUE COPY OF STAFF FIXATION ORDER OF THE PETITIONER'S SCHOOL FOR ACADEMIC YEAR 2009-10.

EXHIBIT P4: TRUE COPY OF STAFF FIXATION ORDER OF THE 5TH RESPONDENT SCHOOL FOR ACADEMIC YEAR 2009-10.

EXHIBIT P5: TRUE COPY OF NEWS ITEM APPEARING IN MALAYALAM DAILY 'MATHRUBHUMI' DATED 26.10.2010

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P(C) No.35746 of 2010

Dated this the 27th day of July, 2015

JUDGMENT

The petitioners are the Head Master and President of the Parents-Teacher Association (PTA) aggrieved with the Fitness School Award for the year 2009-2010, which is said to have been given to the 5th respondent. Obviously, the award is on the basis of a total physical fitness programme initiated by the Government of Kerala as is evidenced at Ext.P1. The fitness school award is as per Ext.P1 scheme as provided here under:

“ഓരോ ജില്ലയിലും ഓരോ സ്കൂളിന് പ്രായഭേദം നോക്കാതെ ആൺകുട്ടികളുടെ വിഭാഗത്തിനും പെൺകുട്ടികളുടെ വിഭാഗത്തിനും ഓരോ അവാർഡു വീതം -10,000 രൂപയുടെ ക്യാഷ് അവാർഡും മൊമെന്ററിയും സമ്മാനിക്കുന്നതാണ്. പരിശോധനാ പരിപാടിയുടെ രണ്ടാം ഘട്ടത്തിൽ 4 ടെസ്റ്റുകളിലും വെച്ചേരെയായി ഗ്രേഡ്-C നേടിയിട്ടുള്ള കുട്ടികൾ ശതമാനക്കണക്കിൽ ഉയർന്നു നിൽക്കുന്ന സ്കൂളിനാണ് ഈ അംഗീകാരം ലഭിക്കുക. പ്രസ്തുത സ്കൂളിലെ മൊത്തം കുട്ടികളുടെ എണ്ണവുമായി താരതമ്യപ്പെടുത്തിയാണ് ഉയർന്ന ശതമാനം നിശ്ചയിക്കുന്നത്. (ഇതിന് ആറാമത്തെ അധ്യയന ദിവസത്തിലെ കുട്ടികളുടെ ഹാജർ നിലയ്ക്ക് പരിശോധിക്കുന്നത്).”

2. The petitioner's claim is that the petitioner's school had obtained higher grades than that of the 5th respondent and in fact the petitioner's school is entitled to get the award as provided under Ext.P1 scheme.

3. Implementation of the programme is by the Total Physical Fitness Programme(TPFP) Technical Council and there are also 14 district Technical Councils constituted for each district. The petitioner impleaded the TPFP co-ordinator as 3rd respondent. However, no service on the 3rd respondent has been effected. The petitioner was directed to take fresh steps. Notice issued to 3rd respondent was returned saying that no such designation exists. Hence, the petitioner deleted R3 at their risk.

3. However, neither the implementing authority, the TPFP State Technical Council nor the District Council has been impleaded herein. The writ petition also deals with the award of the year 2009-2010. The staff fixation orders produced merely show the strength of the students and not the specific grades received by the students of the respective schools. The proper party to

state that has not been impleaded.

4. In such circumstances, the writ petition is dismissed for reason of non impleadment of necessary parties. No costs.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD