

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 32037 of 2015 (D)

PETITIONER(S):

**THULASIDHARAN POTTI V.,
S/O.DEVARU VASUDEVARU, VALIAMADOM, KUZHIMATHICAUD,
KOLLAM-691 509.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENT(S):

- 1. KUZHIMATHICAUD GOVERNMENT HIGHER SECONDARY SCHOOL,
KUZHIMATHICAUD, KOLLAM, REPRESENTED BY HEAD MISTRESS.
PIN - 691 509.**
- 2. HEAD MISTRESS,
KUZHIMATHICAUD GOVERNMENT HIGHER SECONDARY SCHOOL,
KUZHIMATHICAUD, KOLLAM - 691 509.**
- 3. PARENT TEACHERS ASSOCIATION COMMITTEE,
KUZHIMATHICAUD GOVERNMENT HIGHER SECONDARY SCHOOL,
REPRESENTED BY ITS PRESIDENT VIJAYA KUMAR,
PIN - 691 509.**
- 4. VIJAYA KUMAR, PARENT TEACHERS ASSOCIATION PRESIDENT,
KUZHIMATHICAUD GOVERNMENT HIGHER SECONDARY
SCHOOL, KUZHIMATHICAUD, KOLLAM,PIN - 691 509.**
- 5. THE HIGHER SECONDARY REGIONAL DEPUTY DIRECTOR,
PALAYAM, THIRUVANANTHAPURAM, PIN - 695 003.**
- 6. THE DEPUTY DIRECTOR,
OFFICE OF THE EDUCATION DEPARTMENT, PALAYAM,
THIRUVANANTHAPURAM, PIN - 695 003.**
- 7. THE DIRECTOR OF PUBLIC INSTRUCTION,
OFFICE OF THE EDUCATION DEPARTMENT, JAGATHY P.O.,
THIRUVANANTHAPURAM, PIN - 695 003.**

**R4 BY ADV. SRI.R.PUSHPANGATHAN PILLAI
R5-R7 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1.TRUE COPY OF THE NOTICE FOR THE ANNUAL GENERAL MEETING AND
ELECTION DATED 29/9/2015.**

**EXT.P2.TRUE COPY OF THE REPRESENTATION DATED 5/10/2015 FILED BEFORE THE
5TH RESPONDENT**

**EXT.P3.TRUE COPY OF THE REPRESENTATION DATED 7/10/2015 FILED BEFORE THE
6TH RESPONDENT**

**EXT.P4.TRUE COPY OF THE REPRESENTATION DATED 8/10/2015 FILED BEFORE THE
7TH RESPONDENT**

**EXT.P5.TRUE COPY OF THE G.O.(P) NO.126/07/GENERAL EDUCATION DEPARTMENT
DATED 25/6/2007.**

**EXT.P6.TRUE COPY OF THE COMPLAINT DATED NIL FILED BEFORE THE
6TH RESPONDENT.**

**EXT.P7: TRUE COPY OF IDENTITY CARD ISSUED TO PETITIONER'S SON
GOUTHAM T. DEVARU.**

**EXT.P8: TRUE COPY OF ORDER ISSUED BY DIRECTORATE OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.**

**EXT.P9: TRUE COPY OF THE GUIDELINES ISSUED BY 7TH RESPONDENT BEARING
NO.H.1/38613/12/DPI DTD.20.6.2012.**

**EXT.P10: TRUE COPY OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING
CONVENED ON 18.9.2015.**

**EXT.P11: TRUE COPY OF THE REPRESENTATION SUBMITTED BY 4TH RESPONDENT
AND HIS ACCOMPLICE.**

RESPONDENT(S)' EXHIBITS:

EXT.R4(a): RELEVANT PAGES FROM THE NOTICE BOOK CONTAINING THE NOTICE.

EXT.R4(b): A TRUE COPY OF THE COMMUNICATION DTD.28.9.2015.

EXT.R4(c): A TRUE COPY OF THE NOTN CONFIDENCE MOTION DTD.8.9.2015.

**EXT.R4(d): A TRUE COPY OF THE COMPLAINT ADDRESSED TO THE DPI
DTD.17.8.2015.**

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**EXT.R4(e): A DETAILED COMPLAINT BEFORE THE HON'BLE CHIEF MINISTER WITH
COPY MARKED TO ALL CONCERNED.**

EXT.R4(f): A LIST OF ATTENDANCE.

**EXT.R4(g): TRUE COPY OF REPRESENTATION DTD.17.10.2015 SUBMITTED BY THE
PTA COMMITTEE BEFORE THE 5TH RESPONDENT.**

EXT.R4(h): A TRUE COPY OF THE LIST OF ATTENDANCE ON 30.12.2014.

**EXT.R4(i): A TRUE COPY OF THE MINUTES OF THE ANNUAL GENERAL BODY
MEETING HELD ON 6.10.2015 WHICH ELECTED THE NEW OFFICES
BEARERS.**

**EXT.R4(j): A TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE 7TH RESPONDENT.**

**EXT.R4(k): TRUE COPY OF REPRESENTATION DTD.6.5.2015 BY THE STAFF COUNCIL
TEACHERS TOT HE 7TH RESPONDENT.**

**EXT.R4(l): TRUE COPY OF RECENT BILL SHOWING HIKE IN THE ELECTRICAL
CHARGES CAN BE SEEN FROM BILL NO.930127 SUBMITTED BEFORE THE
MINISTER WITH COPY TO MLA.**

**EXT.R4(m): A TRUE COPY OF COMPLAINT DTD.14.9.2015 SUBMITTED BEFORE THE
MINISTER WITH COPY TO MLA.**

EXT.R4(n): TRUE COPY OF THE MINUTES OF THE MEETING SHOWING THE PROTEST.

**EXT.R4(o): TRUE COPY OF NEWSPAPER REPORT DTD.5.11.2015 OF MALAYALA
MANORAMA DAILY ALONG WITH NOTICE OF THE MELA.**

EXT.R4(p): TRUE COPY OF THE LETTER ISSUED BY THE SECRETARY DTD.13.10.2015.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.32037 of 2015

Dated this the 24th day of November, 2015

JUDGMENT

The petitioner approached this Court with the following reliefs:

- i. Issue a writ of certiorari or any other appropriate writ or orders to declare that the General Body Meeting which was convened on 6.10.2015 is in violation of Ext.P5 and to declare the same as illegal and void.
- ii. Issue a writ of mandamus or any other appropriate writ or orders or direction to respondents 5-7 to conduct a new General Body meeting of the PTA and to elect the new members accordingly and as per Ext.P5 at the earliest.

2. The petitioner claims that he was elected as PTA President. He challenges the General Body meeting held on 6.10.2015 to elect a new committee. According to the petitioner, this is in violation of Ext.P5 order of the Director of Public Instructions.

3. This Court is of the view that if the petitioner has any grievance, he is free to raise the same before the Director of Public Instructions. This Court need not interfere with any meeting convened for electing new members.

4. The petitioner already approached the 7th respondent by Ext.P4 representation before the Director of Public Instructions.

There shall be a direction to the Director of Public Instructions to consider Ext.P4 after hearing the petitioner as well as newly elected PTA. Needful shall be done within two months from the date of receipt of a copy of this judgment. It is also open for the petitioner to approach the Director of Public Instructions for an interim order in this matter.

With the above liberty, the writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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