

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C) .No. 33573 of 2015 (V)

PETITIONER(S) :

THE MANAGER, AGED 81 YEARS,
RAMANATTUKARA HIGHER SECONDARY SCHOOL,
P.O. VYDIARANGADI, MALAPPURAM - 673 633.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM-695 001.

2. THE DIRECTOR,
HIGHER SECONDARY DIRECTORATE,
HOUSING BOARD BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM - 695 001.

3. THE REGIONAL DIRECTOR,
HIGHER SECONDARY EDUCATION, KOZHIKODE - 673 001.

BY GOVERNMENT PLEADER SRI. MOHUMOOD.T.T.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) .No. 33573 of 2015 (V)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1-TRUE COPY OF THE NOTIFICATION DATED 17/06/2013.

EXT.P2-TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER ALONG WITH THE RECEIPT ISSUED ON BEHALF OF THE 2ND RESPONDENT.

EXT.P3-TRUE COPY OF G.O(MS)NO. 143/2014/G.EDN. DATED 31/07/2014.

EXT.P4-TRUE COPY OF THE REPLY RECEIVED BY THE PETITIONER UNDER RT ACT DATED 30/09/2014 ALONG WITH THE LIST OF SCHOOLS.

EXT.P5-TRUE COPY OF THE ORDER DATED 08/08/2014 ISSUED BY THE 2ND RESPONDENT.

EXT.P6-TRUE COPY OF THE JUDGMENT IN W.P(C) 23318/2014 DATED 08/04/2015.

EXT.P7-TRUE COPY OF THE RELEVANT PAGES OF G.O(MS) 247/14/G.EDN. DATED 24/11/2014.

EXT.P8-TRUE COPY OF THE JUDGMENT IN W.P(C) NO. 21203/2014 DATED 20/08/2015 AND CONNECTED CASES.

EXT.P9-TRUE COPY OF THE G.O(RT) 3733/2015/G.EDN. DATED 01/09/2015.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No. 33573 of 2015-V

Dated this the 4th day of November, 2015

JUDGMENT

The petitioner is the Manager of an aided school run by an educational agency registered under the Societies Act in the year 1948. He applied for additional batch for the year 2014-15 and the Government rejected the same by Ext.P9 order on a finding that there is no need in the Panchayat where the school is situating. This order is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. The learned counsel for the petitioner fairly admitted that as far as the year 2014-15 is concerned,

virtually, the matter, in issue, has become infructuous; but the educational need is a persisting matter and the same is liable to be considered for the year 2016-17 also. The learned counsel for the petitioner further pointed out certain guidelines issued by this Court in Ext.P8 judgment, as regards the sanctioning of Higher Secondary Schools and additional batches. The learned counsel for the petitioner further sought for an observation of this Court to the extent that the impugned order under challenge will not stand in the way of considering his claim for the year 2016-17. I find some force in the arguments advanced by the learned counsel for the petitioner.

4. The learned Government Pleader fairly submits that the petitioner's claim for the next year can be considered in view of the guidelines formulated by this Court in Ext.P8 judgment.

5. In view of the submissions made at the Bar, it is made clear that the impugned Ext.P9 order under challenge and the findings thereon will not stand in

the way of considering the claim of the petitioner for additional batches for the year 2016-17, in the light of the guidelines issued by this Court in Ext.P8 judgment.

With the above observations, this writ petition is disposed of.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge