IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946

WP(C) NO. 26189 OF 2024

PETITIONER/S:

1 JALEELA BEEVI
AGED 83 YEARS
D/O. LATE. MUHAMMED KASIM, SHAJIL MANZIL, 306, ANCHAL, THADIKKADU P.O., ARAKKAL VILLAGE, PUNALUR TALUK, KOLLAM DISTRICT., PIN - 691306

2 SHAHEEDA BEEGUM
AGED 73 YEARS
D/O. LATE. MUHAMMED KASIM, A.S. MANZIL, PAPPALA, PAZHAYA KUNNUMMAL VILLAGE, KILIMANOOR P.O., CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT., PIN - 695601

3 RASHEEDA BEEGUM
AGED 68 YEARS
D/O. LATE. MUHAMMED KASIM, MAS MANZIL, CHEMMARUTHY DESOM, PALACHIRA P.O., CHERUNIYOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT., PIN - 695143

4 ILMUNISA BEEGUM
AGED 57 YEARS
D/O. LATE. MUHAMMED KASIM, THENGUVILA VEEDU, MUDIYACODE DESOM, PALACHIRA P.O., CHERUNIYOOR VILLAGE, VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT., PIN - 695143

BY ADVS.
P.M.SANEER
SHAJIN S.HAMEED
OORMILA K. UNNIKRISHNAN

RESPONDENT/S:

1 THE STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE II, THIRUVANANTHAPURAM., PIN - 695001

**2 THE DIRECTOR OF GENERAL EDUCATION
JAGATHY, THIRUVANANTHAPURAM., PIN - 695014**

**3 THE DISTRICT EDUCATIONAL OFFICER
VARKALA., PIN - 695141**

**4 THE ASSISTANT EDUCATIONAL OFFICER
VARKALA, ASSISTANT EDUCATIONAL OFFICE, VARKALA P.O., THIRUVANANTHAPURAM DISTRICT., PIN - 695141**

**5 MUNEERUDHEEN
PREVIOUS MANAGER, 'PALACHIRA HHTM UP SCHOOL, VARKALA, THIRUVANANTHAPURAM DISTRICT., PIN - 695143**

**6 SHEFEEK.R
CORRESPONDENT MANAGER, ADVOCATE, S/O RAFEEK. M, POYKAVILATH VEEDU, KOLIYAKODE, THIRUVANANTHAPURAM., PIN - 695607**

**7 MANSOORUDHEEN
MANAGER, PALACHIRA HHTM UP SCHOOL, VARKALA, THIRUVANANTHAPURAM DISTRICT. RESIDING AT, MAS MANZIL,CHEMMARUTHY DESOM, PALACHIRA P.O. CHERUNIYOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT., PIN - 695143**

OTHER PRESENT:

ADV NISHA BOSE - SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners claim to be the educational agency which is managing Habeeb Haji Thangal Memorial UP School. The grievance of the petitioners is against the Ext.P10 order passed by the AEO, permitting the 5th respondent to act as the Manager of the said school, rejecting the claims put forward by the petitioners in this regard. As against Ext.P10, the petitioners have submitted Ext.P11 appeal, which is now pending before the 2nd respondent. The prayer sought by the petitioners is to direct the 2nd respondent to pass appropriate orders thereon within a time frame.

After hearing the learned counsel for the petitioner and the learned Government Pleader, I am inclined to dispose of this writ petition. Accordingly, it is ordered that the 2nd respondent shall take up Ext.P11 and pass appropriate orders thereon, in accordance with the law, after hearing the petitioners and the affected parties, including respondents 5 to 7. The orders in this regard shall be passed within a period of two months from the date of receipt of a copy of this judgment. It is further

clarified that any approval of appointments made by the 5th and 6th respondents shall be subject to the outcome of the decision.

Sd/-

ZIYAD RAHMAN A.A.
JUDGE

rpk

APPENDIX OF WP(C) 26189/2024

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE STATUTORILY POSITION IS MADE CLEAR BY THE DIVISION BENCH OF THIS HON'BLE COURT IN SOMANATHA PILLAI VS. STATE OF KERALA 2007 KHC 3371.**
Exhibit P2	**TRUE COPY OF THE JUDGMENT IN RSA NO.270/2021 DATED 08.03.2023 OF THIS HONOURABLE COURT.**
Exhibit P3	**TRUE COPY OF THE SETTLEMENT DEED NO.DOC 906/2023 DATED 22/6/2023 OF SRO VARKALA.**
Exhibit P4	**TRUE COPY OF THE TAX RECEIPTS ISSUED BY THE VILLAGE OFFICER DATED 22/07/2023.**
Exhibit P5	**TRUE COPY OF THE TRUST DEED NO IV-7/2024 DATED 16/02/2024.**
Exhibit P6	**TRUE COPY OF PROCEEDINGS NO AEOVAK/1378/2023-D DATED 3/1/2024 ISSUED BY THE AEO.**
Exhibit P7	**A TRUE COPY OF THE MINUTES DATED 10/2/2024 APPOINTING MANSURUDHEEN AS THE NEW MANAGER OF THE SCHOOL.**
Exhibit P8	**A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS DATED 17/2/2024 BEFORE THE 4TH RESPONDENT.**
Exhibit P9	**TRUE COPY OF REMINDER COMMUNICATION DATED 4/3/2024 SUBMITTED BY THE PETITIONERS.**

Exhibit P10	**A TRUE COPY OF THE ORDER NO AEOVAK/194/2024-D DATED 20.05.2024 OF THE AEO.**
Exhibit P11	**TRUE COPY OF THE APPEAL DATED 4/6/2024 SUBMITTED BY THE PETITIONERS BEFORE THE DIRECTOR GENERAL OF GENERAL EDUCATION.**