

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 12TH DAY OF JUNE 2023 / 22ND JYAISHTA, 1945

WP(C) NO. 15630 OF 2023

PETITIONER/S:

- 1 AMINA P.M
AGED 73 YEARS
W/O. KUNJUMHAMMED, VELUTHAPPAN PALAKKAL ALIAS MAKKINTE PURAKKAL,
PALAPPETTY, AYIROOR, PONNANI, MALAPPURAM, PIN - 679579
- 2 ANAS V.K
AGED 49 YEARS
S/O. KUNJUMHAMMED, VELUTHAPPAN PALAKKAL ALIAS MAKKINTE PURAKKAL,
PALAPPETTY, AYIROOR, PONNANI, MALAPPURAM, PIN - 679579
BY ADVS.
T.M.ABDUL LATHEEF
NITHIN A.R.

RESPONDENT/S:

- 1 STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT EDUCATIONAL DEPARTMENT SECRETARIAT
P.O., THIRUVANANTHAPURAM, PIN - 695001
- 2 DEPUTY DIRECTOR OF EDUCATION
AUPS MALAPPURAM, NH 213, DOWN HILL, MALAPPURAM, PIN - 676505
- 3 DISTRICT EDUCATION OFFICER
CIVIL STATION, MALAPPURAM, PIN - 676505
- 4 ASSISTANT EDUCATION OFFICER
PONNANI MALAPPURAM, PIN - 679577

OTHER PRESENT:

SMT.SURYA BINOY, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.06.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN J.

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W.P.(C) No. 15630 of 2023

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Dated this the 12th day of June, 2023

J U D G M E N T

The above Writ Petition is filed with the following prayers:-

i. To call for the records relating to Exhibit P-1 to P- 14 and to issue a writ of certiorari quashing Ext.P1 is an invalid order and to set aside the same and also set aside Ext.P7 as it is passed without taking into account Ext.P5 explanation submitted by the petitioners.

ii. To issue writ of mandamus commanding the respondents 2 and 3 to approve the appointment of teachers appointed by the 1st petitioner as manager of the school without insisting that the appointment of the 1st petitioner as manager is approved

by the department and also taking into account previous sanction and approval and based upon defacto doctrine

iii. To issue writ of certiorari quashing rejection of appointment as per noting contained on the reverse side of Ext. P11, P12 and P13 as illegal and not valid.

iv. Any other reliefs may be granted as prayed at the time of argument and is deemed fit to be granted by this Hon'ble court.

v. To dispense with filing of the translation of vernacular documents.

2. Exts. P1 and P7 are issued by the 2nd respondent. Therefore, I am of the considered opinion that, this Writ Petition need not be retained before this court and the petitioners can be given liberty to challenge the same before the 1st respondent by filing a revision. I make it clear that I have not considered the matter on merit and the 1st respondent

is free to pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioners and other affected parties, if any.

Therefore, this Writ Petition is disposed of with the following directions:-

i. The petitioners are free to challenge Exts.P1 and P7 before the 1st respondent by filing a revision within a period of ten days from the date of receipt of a certified copy of this judgment.

ii. Once such a revision is received along with a certified copy of this judgment with a copy of this Writ Petition, the 1st respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioners and other affected parties, if any, within a period of two months from the date of receipt of a certified copy of this

judgment.

iii. The petitioners will produce a certified copy of this judgment along with a copy of this Writ Petition before the 1st respondent for compliance.

iv. All contentions raised in this Writ Petition are left open and the 1st respondent is free to pass appropriate orders in accordance with law.

Sd/-

P.V.KUNHIKRISHNAN

JUDGE

RMV

APPENDIX OF WP(C) 15630/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PROCEEDING OF THE 2ND RESPONDENT DATED 25/5/2022
Exhibit P2	TRUE COPY OF SALE DEED NO.2521/2008 OF SRO PONNANI DATED 12/5/2008
Exhibit P3	TRUE COPY OF THE CONSTITUTION SUBMITTED BEFORE THE 2ND RESPONDENT FOR APPROVAL DATED 1/6/2021
Exhibit P4	TRUE COPY OF THE COVERING LETTER DATED 21/11/2022
Exhibit P5	TRUE COPY OF THE EXPLANATION DATED 21/11/2022
Exhibit P6	TRUE COPY OF THE LETTER OF THE 4TH RESPONDENT DATED 1/12/2022
Exhibit P7	TRUE COPY OF THE LETTER DATED 27/3/2023 OF 2ND RESPONDENT
Exhibit P8	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 1ST PETITIONER IN THE NAME OF SMT.BINU BALASUBRAMANIAN DATED 15/7/2021
Exhibit P9	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 1ST PETITIONER IN THE NAME OF SMT. SHYMA P.M DATED 15/7/2021
Exhibit P10	TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 1ST PETITIONER IN THE NAME OF SMT. ALMAS M.K DATED 15/7/2021
Exhibit P11	TRUE COPY OF THE PROPOSAL DATED 18/7/2021 AND REVERSE SIDE PAGE CONTAINING THE REJECTION DATED 29/9/2021 IN THE NAME OF BINUBALASUBRAMNIAN
Exhibit P12	TRUE COPY OF THE PROPOSAL AND REVERSE SIDE PAGE CONTAINING THE REJECTION DATED 29/9/2021 IN THE NAME OF SHYMA P.M
Exhibit P13	TRUE COPY OF THE PROPOSAL AND REVERSE SIDE PAGE CONTAINING THE REJECTION DATED 29/9/2021 IN THE NAME OF ALMAS M.K
Exhibit P14	TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT DATED 4/6/2016

RESPONDENTS' EXHIBITS:NIL

TRUE COPY

P.A. TO JUDGE