

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF JUNE 2023 / 24TH JYAISHTA, 1945

WP(C) NO. 19325 OF 2023

PETITIONER/S:

MANAGER  
AGED 70 YEARS  
MMM HIGHER SECONDARY SCHOOL KUTTAYI, MALAPPURAM  
DISTRICT MALAPPURAM - 676562. MOHAMMED YASEEN.P.P  
RESIDING AT MAULANA HOUSE, P.O. KUTTAYI, (VIA)  
TIRUR, MALAPPURAM, PIN - 676562  
BY ADVS.  
M.A.FAYAZ  
M.VISHNUPRIYA  
C.B.ABHINAVA

RESPONDENT/S:

- 1 STATE OF KERALA  
REP. BY SECRETARY TO THE GOVERNMENT, GENERAL  
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 DIRECTOR GENERAL OF EDUCATION  
O/O THE DIRECTOR GENERAL OF EDUCATION, JAGATHY,  
THIRUVANANTHAPURAM, PIN - 685001
- 3 DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM  
DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM, PIN -  
676519
- 4 DISTRICT EDUCATIONAL OFFICER TIRUR  
O/O THE DISTRICT EDUCATIONAL OFFICER TIRUR, TIRUR,  
PIN - 676101
- 5 SUPER CHECK CELL OFFICER  
SUPER CHECK CELL OFFICE CIVIL STATION B BLOCK ,6TH  
FLOOR KOZHIKODE, PIN - 673020  
BY ADV GOVERNMENT PLEADER  
SMT.NISHA BOSE, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 14.06.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

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**W.P.(C).No.19325 of 2023**  
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**Dated this the 14<sup>th</sup> day of June, 2023**

**JUDGMENT**

This writ petition is filed with following prayers:

- i. To call for the records leading the issuance of Ext.P3 and P5 proceedings of the 2nd respondent and to set aside the same by issuing a Writ of Certiorari.
- ii. To declare that the issuance of Transfer Certificate to the students on the request of their parents to join other schools cannot be taken as a ground to arrive at the conclusion that the said students were bogus, and artificially created to get additional posts.
- iii. To issue a Writ of Mandamus to directing the 1st respondent to consider and pass orders on Ext.P6 Revision Petition at the earliest.
- iv. To declare that in view of the facts that morethan half of the students had written the annual examination Including SSLC examination the finding of the 5th respondent that they are bogus is baseless and unfounded.
- v. To restrain the 4th respondent from taking steps to implement the directions Issued vide Ext.P5

order of the 2nd respondent including abolition of posts, disciplinary action and recovery steps.

- vi. To dispense with the filing of translated copies of the Exhibits produced in the above Writ Petition.

*(SIC)*

2. When this writ petition came up for consideration, the counsel for the petitioner submitted that the petitioner filed Ext.P6 statutory revision before the 1<sup>st</sup> respondent against Ext.P5 order. The grievance of the petitioner is that the same is not considered.

3. Heard the learned Government Pleader also.

4. After hearing both sides, I am of the considered opinion that this writ petition itself can be disposed of directing the 1<sup>st</sup> respondent to consider Ext.P6 within a time frame, after giving an opportunity of hearing to the petitioner and other affected parties.

Therefore, this writ petition is disposed of in the following manner:

1. The 1<sup>st</sup> respondent is directed to consider and pass appropriate orders in Ext.P6, after affording an opportunity of hearing to the petitioner and the other affected parties, as

expeditiously as possible, at any rate, within four months from the date of receipt of a stamped certified copy of this judgment.

2. Further proceedings based on Ext.P5 shall be deferred till Ext.P6 is considered by the 1<sup>st</sup> respondent and the order is communicated.
3. The petitioner will produce a stamped certified copy of this judgment along with a copy of this writ petition before the 1<sup>st</sup> respondent for compliance.

JV

sd/-  
**P.V.KUNHIKRISHNAN**  
**JUDGE**

**APPENDIX OF WP(C) 19325/2023**

**PETITIONER EXHIBITS**

Exhibit P1	TRUE COPY OF THE STAFF FIXATION ORDER NO.B1/43317/2019 DATED 29.07.2019
Exhibit P2	TRUE COPY OF THE STAFF FIXATION ORDER NO.B1/43355/2022 DATED 19.08.2022
Exhibit P3	TRUE COPY OF LETTER NO.S.C.K.K.D/06/2023 DATED 31.01.2023
Exhibit P4	TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 16.02.2023
Exhibit P5	TRUE COPY OF THE ORDER NO.S.C.K.K.D/06/ 2023 DATED 09.05.2023
Exhibit P6	TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE PETITIONER DATED 25.05.2023