

H.Narayanan Vs. State of Kerala and Others

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Court : Kerala

Decided On : Jul-15-2014

Judge : Honourable Mr. Justice a.K.Jayasankaran Nambiar

Appellant : H.Narayanan

Respondent : State of Kerala and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR TUESDAY, THE 15TH DAY OF JULY 2014 24TH ASHADHA, 1936 WP(C).No. 19778 of 2007 (D) ----- PETITIONER(S): ----- H.NARAYANAN, S/O.(LATE) N.P.ACHUTHA PISHARODI, PISHARAM, NHANGATTIRI POST PALAKKAD DISTRICT, PIN - 679 311. BY ADV. SRI.SANTHEEP ANKARATH RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, PALAKKAD, CIVIL STATION, PALAKKAD PALAKKAD DISTRICT.

3. T.K.RAVINDRAN, THANIKUNNATH HOUSE, P.O.NHANGATTIRI, PALAKKAD DISTRICT.

4. T.K.CHANDRASEKHARAN, S/O.T.K.RAMAN EZHUTHASSAN,
THANNIKKUNNATH HOUSE NHANGATTIRI P.O., PALAKKAD.

5. T.SAJITHA, S/O.SANKARANARAYANAN NAMBOODIRI, THEKKEDATH
MANA NHANGATTIRI P.O., PALAKKAD. R3,4 BY ADV. SRI.V.A.MUHAMMED
R3,4 BY ADV. SRI.K.E.HAMZA R1-2 BY GOVERNMENT PLEADER
SRI.RAJASREE THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON1507-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: A.K.JAYASANKARAN NAMBIAR, J.

..... W.P.(C).No.19778 of 2007
..... Dated this the 15th day of July, 2014

JUDGMENT

The writ petition was filed challenging Ext.P6 order passed by the Government in connection with a plea regarding ineligibility of respondents 3, 4 and 5 to participate in the management of the School run by the educational agency of which the petitioner was the then President. The DPI had issued an order restraining the 3rd, 4th and 5th respondents from participating in the management of the School. Against this order of the DPI the said respondents appear to have approached the Government and the Government vide Ext.P6 order granted the necessary exemption to respondents 3 and 4 so as to enable them to continue as members of the society, which was the educational agency. With regard to the 5th respondent there was no specific exemption that was granted through Ext.P6 order of the Government. At any rate, the writ petition was filed challenging Ext.P6 insofar as it sought to hold respondents 3, 4 and 5 eligible to participate in the management of the School. W.P.(C).No.19778 of 2007 2 2. The 1st respondent has filed a counter affidavit wherein at paragraph 5 it is stated as follows: "5. Literally, the word aided school is not seen given in Rule 8 (1) or 8 (2) Chapter III Kerala Education Rules and therefore the Rule 8 (2) Chapter III Kerala Education Rules do not go against the membership of the R3 and R4 in the Educational Agency of Nhangattoor UP School. Regarding R5 the exemption granted by the Finance Department is seen not proper. It is not clear whether the R5 is holding the membership in the Nhangattoor educational society is in the ex-officio

capacity. R5 has not obtained exemption from Rule 8 (2) Chapter III Kerala Education Rules from the Education Department." When the matter was taken up for hearing today, the learned Senior counsel appearing on behalf of the petitioner would point out that in view of the specific stand taken by the Government, in its counter affidavit extracted above, clarifying that exemption was granted in respect of respondents 3 and 4, who incidentally are not continuing in service any more, and the clarification that the exemption granted to the 5th respondent by the Finance Department was not proper, the writ petition itself has virtually become infructuous since the ineligibility of the 3 and 4th respondents in regard to the participation in the management of the School has been W.P.(C).No.19778 of 2007 3 removed and the 5th respondent has not obtained any specific exemption with regard to his ineligibility in the matter.

3. I have heard the learned Government Pleader and also counsel for respondents 3 and 4, who have no objection to the closure of the writ petition as infructuous, after recording the averments in the counter affidavit filed by the 1st respondent. Accordingly, the writ petition is disposed of by recording the stand of the 1st respondent in its counter affidavit as noted above. A.K.JAYASANKARAN
NAMBIAR JUDGE mns/

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