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The Manager vs the State of Kerala

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Court : Kerala Orders

Decided On : Jan-18-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/14168/2013

Appellant : The Manager

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN WEDNESDAY, THE 18TH DAY OF JANUARY 2023 / 28TH POUSHA, 1944 WP(C) NO. 14168 OF 2013 PETITIONER/S: THE MANAGER THARBIYATH TRUST VOCATIONAL AND HIGHER SECONDARY SCHOOL, POST MARKET, MUVATTUPUZHA-686 673. SRI.V.A.MUHAMMED SRI.K.E.HAMZA RESPONDENT/S: THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001. OTHER PRESENT: SRI.K.M.FAISAL, GP THIS WRIT PETITION (CIVIL)

HAVING COME UP FOR ADMISSION ON 18.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

========== W.P.(C) No. 14168 of 2013 ==========

Dated this the 18th day of January, 2023

JUDGMENT

The above writ petition is filed with following prayers: (i) call for the records relating to Exhibit P-9 and set aside the original of the same by the issue of a writ of certiorari or other appropriate writ or order.

(ii) issue a writ of mandamus or other appropriate writ

order or direction commanding the Respondent to declare

minority status of the Petitioner's School expeditiously.

(iii) issue a writ of mandamus or other appropriate writ,

order or direction commanding the Respondent to

effectively reconsider and pass fresh orders upon Exhibit P-7 in the light of Exhibits P-10 to P-13 after affording an opportunity of being heard to the Petitioner within a time limit.

(iv) pass such other order or direction which this Hon'ble Court may deem fit and proper to grant in the circumstances of the case. (sic)

2. The main grievance of the petitioner is that the minority status to the petitioners school is rejected as per Ext.P9. -3-

3. Today when the matter came up for consideration, the

counsel appearing for the petitioner submitted that the National Commission for Minority Educational Institutions declared the petitioners school as a minority educational institution and therefore, this writ petition is not pressed. Therefore, this writ petition is dismissed as not pressed. sd/- P.V.KUNHIKRISHNAN JUDGE das -4- APPENDIX OF WP(C) 14168/2013 PETITIONER EXHIBITS

EXHIBIT P1: TRUE COPY OF THE TRUST DEED DATED 24.6.1993. EXHIBIT P2: TRUE COPY OF THE ORDER NO.C5.15785/76/K.DIS. DATED 14.10.1976 OF THE DISTRICT EDUCATIONAL OFFICER. EXHIBIT P3: TRUE COPY OF THE ORDER NO.B1-3443/83 DATED 29.7.1983 OF THE DISTRICT EDUCATIONAL OFFICER. EXHIBIT P4: TRUE COPY OF THE G.O.(RT.)NO.1698/93/G.EDN. DATED 6.5.1993 OF THE GOVERNMENT. EXHIBIT P5: TRUE COPY OF THE G.O.(RT.)NO.2365/95/G.EDN. DATED 10.7.1995 OF THE GOVERNMENT. EXHIBIT P6: TRUE COPY OF THE G.O.(MS)NO.204/97/G.EDN. DATED 12.6.1997 OF THE GOVERNMENT. EXHIBIT P7: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE GOVERNMENT DATED 29.11.2012. EXHIBIT P8: TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.30359 OF 2012-T DATED 8.12.2012. EXHIBIT P9: TRUE COPY OF THE G.O.(RT.)NO.1572/2013/G.EDN. DATED 6.4.2013. EXHIBIT P10: TRUE COPY OF THE G.O.(RT.)NO.3720/05/G.EDN. DATED 27.7.2005 OF THE GOVERNMENT. EXHIBIT P11: TRUE COPY OF THE G.O.(RT.)NO.904/06/G.EDN. DATED 28.02.2006 OF THE GOVERNMENT. EXHIBIT P12: TRUE COPY OF THE G.O.(RT.)NO.4336/08/G.EDN. DATED 29.09.2008 OF THE GOVERNMENT. EXHIBIT P13: TRUE COPY OF THE G.O.(RT.)NO.3954/12/G.EDN. DATED 14.8.2012 OF THE GOVERNMENT.

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