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Principal vs State of Kerala

Principal vs State of Kerala

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Court : Kerala

Decided On : Apr-12-2019

Judge : Honourable Smt. Justice P.V.Asha

Appeal No. : WP(C)/12226/2019

Appellant : Principal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12211 of 2019 PETITIONER/S: PRINCIPAL, CLUNY PUBLIC SCHOOL CHEPPUMPARA, LAKKATTOOR P.O., KOTTAYAM- 686502. BY ADVS. SRI.BABY THOMAS SRI.K.ANIL JOSEPH RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,. PIN- 695001. 2 DIRECTOR OF PUBLIC INSTRUCTIONS (DPI), DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM, PIN- 695001. 3

CENTRAL BOARD OF SECONDARY EDUCATION, (CBSE) REPRESENTED BY ITS SECRETARY, VIKAS MARG, C.BLOCK, PREET VIHAR, NEW DELHI- 110062. 4 THE REGIONAL DIRECTOR, CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK-B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM- 695004.

OTHER PRESENT: SRGP.NISHA BOSE, SRI.S.NIRMAL,SC,CBSE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH WP(C).12216/2019 AND CONN. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12216 of 2019 PETITIONER/S: PRINCIPAL, MAR BASELIOS PUBLIC SCHOOL MANGANAN.P.O., DEVALOKAM, KOTTAYAM 686 018. BY ADVS. SRI.K.ANIL JOSEPH SRI.BABY THOMAS RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001. 2 DIRECTOR OF PUBLICINSTRUCTIONS (DPI), DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM 695 001. 3 CENTRAL BOARD OF SECONDARY EDUCATION, CBSE, REPRESENTED BY ITS SECRETARY, VIKAS MARG. C. BLOCK, PREET VIHAR, NEW DELHI 110062. 4 THE REGIONAL DIRECTOR, CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK-B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM 695 004.

OTHER PRESENT: GP.B.UNNIKRISHNA KAIMAL SRI.S.NIRMAL,SC,CBSE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH

WP(C).12211/2019 AND CONN. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12221 of 2019 PETITIONER/S: PRINCIPAL, ARAVINDA VIDYAMANDIRAM ANICKADU P.O., PALLICKATHODU, KOTTAYAM DISTRICT 686 503. BY ADVS. SRI.BABY THOMAS SRI.K.ANIL JOSEPH RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001. 2 DIRECTOR OF PUBLIC INSTRUCTIONS (DPI), DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM 695 001. 3 CENTRAL BOARD OF SECONDARY EDUCATION CBSE, REPRESENTED BY ITS SECRETARY, VIKA MARG. C. BLOCK, PREET VIHAR, NEW DELHI 110 062. 4 THE REGIONAL DIRECTOR, CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK-B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM 695 004.

OTHER PRESENT: SRGP.NISHA BOSE, SRI.S.NIRMAL,SC,CBSE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH WP(C).12211/2019 AND CONN. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12226 of 2019 PETITIONER/S: PRINCIPAL KALLIVAYALIL PAPPAN MEMORIAL PUBLIC SCHOOL AND JUNIOR COLLEGE, MUNDAKAYAM EAST P.O, 35TH MILE, IDUKKI-686 513 BY ADVS.

SMT.MARIAMMA JOSEPH SRI.BABY THOMAS SRI.K.D.ZACHARIAS RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION , GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001 2 DIRECTOR OF PUBLIC INSTRUCTIONS (DPI) DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM, PIN-695 001 3 CENTRAL BOARD OF SECONDARY EDUCATION, (CBSE), REPRESENTED BY ITS SECRETARY, VIKAS MARG, C. BLOCK, PREET VIHAR, NEW DELHI-110 062 4 THE REGIONAL DIRECTOR, CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK-B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM-695 004

OTHER PRESENT: SRGP.NISHA BOSE, SRI.S.NIRMAL,SC,CBSE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH WP(C).12211/2019 AND CONN. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12235 of 2019 PETITIONER/S: PRINCIPAL, LOURDES PUBLIC SCHOOL COLLECTORATE P.O, KOTTAYAM DISTRICT, PIN - 686 002 BY ADVS. SRI.BABY THOMAS SRI.K.ANIL JOSEPH RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001 2 DIRECTOR OF PUBLIC INSTRUCTIONS (DPI) DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM, PIN - 695 001 3 CENTRAL BOARD OF SECONDARY EDUCATION (CBSE) REPRESENTED BY ITS SECRETARY, VIKAS MARG, C BLOCK,

PREET VIHAR, NEW DELHI - 695 001 4 THE REGIONAL DIRECTOR CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK -B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM - 695 004

OTHER PRESENT: SRGP.NISHA BOSE, SRI.S.NIRMAL,SC,CBSE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH WP(C).12211/2019 AND CONN. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12241 of 2019 PETITIONER/S: PRINCIPAL, THE WARWIN SCHOOL VAIKOM, KOTTAYAM, PIN-686 141. BY ADVS. SMT.MARIAMMA JOSEPH SRI.BABY THOMAS RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001. 2 DIRECTOR OF PUBLIC INSTRUCTIONS(DPI) DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM, PIN-695001. 3 CENTRAL BOARD OF SECONDARY EDUCATIONS,(CBSE) REPRESENTED BY ITS SECRETARY, VIKAS MARG, C BLOCK, PREET VIHAR, NEW DELHI-110062, 4 THE REGIONAL DIRECTOR, CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK-B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM-695004. SRGP.NISHA BOSE, SRI.S.NIRMAL,SC,CBSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH WP(C).12211/2019 AND CONN. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE SMT. JUSTICE P.V.ASHA FRIDAY, THE 12TH DAY OF APRIL 2019 / 22ND CHAITHRA, 1941 WP(C).No. 12253 of 2019 PETITIONER/S: PRINCIPAL, CROSSROADS CENTRAL SCHOOL, PAMPADY P.O., KOTTAYAM, PIN - 686 502. BY ADVS. SRI.K.ANIL JOSEPH SRI.BABY THOMAS RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN 695 001. 2 DIRECTOR OF PUBLIC INSTRUCTIONS (DPI), DIRECTORATE OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM, PIN- 695 001. 3 CENTAL BOARD OF SECONDARY EDUCATION (CBSE), REPRESENTED BY ITS SECRETARY, VIKAS MARG, C.BLOCK, PREET VIHAR, NEW DELHI - 110 062. 4 THE REGIONAL DIRECTOR, CENTRAL BOARD OF SECONDARY EDUCATION, BLOCK-B, 2ND FLOOR, LIC DIVISIONAL OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM-695004.

OTHER PRESENT: SRGP.NISHA BOSE, SRI.S.NIRMAL,SC,CBSE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2019, ALONG WITH WP(C).12211/2019 AND CONN. CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioners are Principals of unaided Schools affiliated to Central Board of Secondary Education (CBSE). They want to conduct classes during summer holidays for students of standards IX, X and XII.

2. The Government has issued a circular dated

29.03.2019 restraining the Schools including those affiliated to CBSE, CISCE etc and all Government aided/unaided Lower Primary, Upper Primary, High School, Higher Secondary, Vocational Higher Secondary Schools from conducting classes during summer holidays. This circular

has been issued on 29.03.2019 referring to the letter dated 29.03.2019 received from the Director of Public Instructions (DPI) and the order dated 24.02.2018 in C.R.M.P No.4692/09/L.A2/2017 of the Child Rights Commission and in view of the warning from the Disaster Management Authority in view of the extreme climatic condition involving scorching heat by which there is acute scarcity of water, apart from other casualties. However, it is provided that camps for the children, workshops etc., can be conducted for a maximum period of ten days with prior permission of the Educational Officer concerned; the officer shall grant such permission only after conducting an inspection and on being satisfied that all facilities like pure drinking water, food, fan, first aid, toilet etc., are provided to the children. It is also directed that those who are organizing such camps should see that none of the children are exposed to scorching sun. The educational Officers are given strict instructions to see that the directions in the circular are not violated.

3. The petitioners point out that there had been

loss of large number of school days during the last academic year on account of various reasons like bandhs, hartals, general strike, declaration of additional holidays, apart from the unprecedented natural disaster in the form of flood. Thus the number of working days in the last academic year was considerably reduced. It is therefore their case that unless they are permitted to take classes during summer holidays, it would not be possible to complete the syllabus and hence to impart them with proper training to appear in the public examinations.

4. After hearing the learned Counsel for the

petitioner, Senior Government Pleader and the learned Standing Counsel for CBSE, I have already disposed of W.P.(C) No.10123 of 2019 along with a batch of cases by judgment dated 05.04.2019. The case of the petitioners would also be governed by the said

judgment.

5. If the School authorities as well as the

PTA have made a request after ensuring all safeguards for meeting the unprecedented weather conditions not only to the students but also to the teachers and all those involved in conducting vacation classes, it is liable to be considered by the competent authorities under the CBSE. As the Government circular itself provides for conducting of summer camps for a period of ten days, even without interfering with the Government circular as a whole, there can be a direction to the competent authorities under the CBSE to consider the request of the petitioners to conduct classes during summer vacation and to take a decision after verifying the facilities provided in each of the schools on a case to case basis.

6. Therefore, the writ petition is disposed of, with the following directions :

(i) The Principals of the school shall approach the Regional Director of CBSE with application for permission to conduct vacation classes within one week.

(ii) The details regarding the safeguards adopted to

meet the extreme climatic conditions like facilities for pure drinking water, first aid, food, availability of water in the toilets for the students as well as the teachers, facilities in the class rooms and the premises for protection from the extreme heat; the dates on which the classes are proposed; schedule of class hours, the transportation made available to the students, etc., shall be furnished in such applications.

(iii) The application of the Principals shall be

submitted along with the resolution of the PTA in respect of conducting of vacation classes despite the adverse weather conditions and declaration of the authorised representative of the management of the schools in

respect of the facilities they are providing for the students as well as teachers to meet the climatic conditions.

(iv) The Regional Director shall thereafter consider

such applications with reference to the facilities provided/assured and having regard to the requirement of the classes to be conducted as against the number of teaching days lost in the previous academic year and take appropriate decision in respect of the school within a period of 10 days from the date of receipt of such applications or date of receipt of a copy of the judgment, in case, where applications with all accompanying documents as directed are already submitted. At any rate, the permission need be granted only for a maximum period of 20 days. The Regional Director would be free to impose such conditions to ensure the safeguards in tune with the alerts of the State Disaster Management Authority, in order to protect the children as well as all involved in conducting the classes.

(v) On the basis of such permission being granted the petitioners would be free to conduct classes during summer vacation.

(vi) The Government circular issued on 28.03.2019 shall not stand in the way of granting the aforesaid permission and conducting of classes in tune with such permission. Sd/- P.V.ASHA, JUDGE. AS

APPENDIX OF WP(C) 12211/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24.4.2018 IN WP(c)NO.14225/2018. EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO. ISSUED BY THE 1ST RESPONDENT DATED 29.03.2019. EXHIBIT P3 TRUE COPY OF THE APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 11.03.2019.

APPENDIX OF WP(C) 12216/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24.4.2018 IN WPC NO. 14225/2018. EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO. ISSUED BY THE 1ST RESPONDENT DATED 29.3.2019. EXHIBIT P3 TRUE COPY OF THE

APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 11.3.2019. APPENDIX OF WP(C) 12221/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24.4.2018 IN WPC NO. 14225/2018. EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO. ISSUED BY THE 1ST RESPONDENT DATED 29.3.2019. EXHIBIT P3 TRUE COPY OF THE APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 12.3.2019. APPENDIX OF WP(C) 12226/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24.04.2018 IN W.P.(C) NO. 14225/2018 EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO. ISSUED BY THE 1ST RESPONDENT DATED 29.03.2019. EXHIBIT P3 TRUE COPY OF THE APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 12.03.2019. APPENDIX OF WP(C) 12235/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24.4.2018 IN WPC NO.14225/2018. EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO. ISSUED BY THE IST RESPONDENT DATED 29.3.2019. EXHIBIT P3 TRUE COPY OF THE APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 22.3.2019. APPENDIX OF WP(C) 12241/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24.04.2018 IN WPC NO.14225/2018. EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO ISSUED BY THE 1ST RESPONDENT DATED 29.03.2019. EXHIBIT P3 TRUE COPY OF THE APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 14.03.2019. APPENDIX OF WP(C) 12253/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24/04/2018 IN WP(C) NO.14225/2018. EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO ISSUED BY THE 1ST RESPONDENT DATED 29/03/2019. EXHIBIT P3 TRUE COPY OF THE APPLICATION FILED BEFORE THE 4TH RESPONDENT ON 18.03.2019.

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