

(2015) 07 KL CK 0192

In the High Court Of Kerala

Case No : Writ Petition (C) No. 18824 of 2015 (C)

Abdu Rahman P.

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 30-07-2015

Acts Referred:

Citation : (2015) 07 KL CK 0192

Hon'ble Judges : A.K. Jayasankaran Nambiar, J

Bench : Single Bench

Advocate : S. Sreekumar, Senior Advocate, P. Martin Jose, P. Prijith, Thomas P. Kuruvilla and Manjunath Menon, for the Appellant; M.J. Rajasree, Advocate Government Pleader, Advocates for the Respondent

Final Decision : Disposed off

Judgement

A.K. Jayasankaran Nambiar, J—The petitioner in this writ petition is the father of one Mohammed Ashfar. P., who is a student studying in the Xth standard in the E.M.E.A. Higher Secondary School, Thurackal P.O., Kondotti. In the writ petition, the grievance of the petitioner is that while his son was promoted from class IX to class X, he was not permitted to join the School for the Xth standard citing various acts of indiscipline that was committed by him while he was studying in the School. The facts in the writ petition would reveal that, when the 4th respondent did not permit the petitioner's son to attend the classes for standard IX, he had submitted a complaint before the 2nd respondent and the 2nd respondent had by Ext. P1 order directed the 4th respondent to permit the petitioner's son to appear for the examinations of standard IX and to attend revisional classes and model examinations. Thereafter, the petitioner's son appeared for the IXth standard examination and fared well in the same and it was accordingly that he was found eligible for promotion to the Xth standard. It is while so, that the petitioner received a letter from the 5th respondent informing the petitioner of various acts of indiscipline committed by the petitioner's son. It is the specific case of the petitioner that thereafter, the

petitioner's son was not permitted to attend classes in the Xth standard and, on account of the refusal on the part of the 5th respondent, the petitioner's son has not been able to attend classes in the School. It is also stated that, the 5th respondent had indicated to the petitioner that, the management of the School was prepared to issue a transfer certificate so as to enable the petitioner to admit his son to another School in the neighbourhood, since the management of the 5th respondent School was not in favour of the petitioner's son continuing to attend the School during the present academic year.

2. A counter affidavit has been filed by the 5th respondent wherein the stand of the 5th respondent, as noted above, against the petitioner's son is reiterated. It is pointed out that, the petitioner's son was given various opportunities to reform and the said steps did not yield any result. A reply affidavit has also been filed by the petitioner refuting the averments in the counter affidavit filed by the petitioner.

3. When the matter came up for orders on 27.07.2015, I directed the petitioner, his son and the 5th respondent to appear before this Court so as to ascertain the gravity of the problem that was faced by the 5th respondent vis-a-vis the petitioner's son. On a discussion with the petitioner, his son and the 5th respondent, I find that the petitioner is willing to educate his son in another School. The only apprehension that he has is with regard to the adverse impact that the allegations raised against his son may have on the reputation of the petitioner and his family members. Taking note of the said situation, as well as the necessity to have the petitioner's son educated in a nearby School, I had asked the Government Pleader to get instructions from the 4th respondent District Educational Officer, Malappuram with regard to whether the petitioner's son could be accommodated in the nearby Government School namely, the Government Higher Secondary School, Kottappuram. The learned Government Pleader on instruction submits that, if the 5th respondent School issues a transfer certificate to the petitioner's son, and the petitioner, together with his son, approaches the 4th respondent with the said certificate, then the 4th will take appropriate steps to enroll the petitioner's son as a student of the Xth standard in the Government Higher Secondary School, Kottappuram. Taking into account the overall circumstances of this case, I dispose the writ petition with the following directions:

i. The 5th respondent shall permit the petitioner's son to rejoin the School forthwith and continue to attend the classes in the Xth standard for a period up to 07.08.2015.

ii. The petitioner shall, on 07.08.2015, prefer an application for obtaining a transfer certificate from the 5th respondent. On receipt of the said application, the 5th respondent shall promptly issue the transfer certificate sought for by the petitioner without any adverse remark. The transfer certificate so issued shall indicate the name of the Government Higher Secondary School, Kottappuram as a School to which the petitioner's son is to be transferred/admitted.

iii. On receiving the transfer certificate from the 5th respondent, the petitioner shall approach the 4th respondent on 10.08.2015, and the 4th respondent shall take immediate steps to get the petitioner's son enrolled in the Government Higher Secondary School, Kottappuram.

The writ petition is disposed as above.