
(1960) 07 KL CK 0018
In the High Court Of Kerala
Case No : O.P. No. 680 of 1960

Narayana Pillai

APPELLANT

Vs

State of Kerala and Another

RESPONDENT

Date of Decision : 07-07-1960

Acts Referred:

Kerala Education Rules, 1959 — Rule 3(b)(vi)

Citation : (1960) KLJ 966

Hon'ble Judges : S. Velu Pillai, J

Bench : Single Bench

Advocate : K. Velayudhan Nair and K.A. Nair, for the Appellant;

Judgement

Velu Pillai, J.—This is to quash Ext. V. 1 dated May 9, 1960, a notice issued by the District Educational Officer withdrawing the recognition of a High School at Chadayamangalam, of which the petitioner is the manager. The matter for consideration in this original petition falls within a narrow compass and the entire history need not be related. It arose out of the reversion of one Neelakandan Nair, who had been the headmaster of the school. Government finally ordered by Ext. P. 4, that he must be reinstated as headmaster. Notwithstanding repeated directions by the Director of Public Instruction and the District Educational Officer to reinstate him as headmaster, the petitioner declined to give effect to them. On June 1, 1959, the Kerala Education Act, 1958, and the Kerala Education Rules, 1959, came into force. On April 26, 1960, Government issued a memorandum to the Director of Public Instruction for directing the District Educational Officer "to take steps to withdraw the recognition of the school after going through the due process of issuing notice". The Director of Public Instruction, in his turn, by a memorandum dated April 30, 1960, addressed to the District Educational Officer, went one step further, and stated in it, that the Department was constrained to withdraw the recognition granted to the school with effect from May 31, 1960, and requested him to issue notice to the petitioner, that the recognition would be withdrawn with effect from that date, and also to issue final orders. Ext. P. 1 was

issued by the District Educational Officer, which mentioned the Government memorandum dated April 26, 1960, for reference, and which intimated the petitioner, that the recognition would be withdrawn with effect from May 31, 1960. The power to withdraw recognition is conferred by Rule 3 (b) (vi) in Chapter V of the Kerala Education Rules, on the District Educational Officer specifically. Rule 22, clause (a) enumerates the grounds on which the recognition may be withdrawn. Therefore, in withdrawing the recognition, the District Educational Officer is exercising a statutory power conferred on him by the Rules, and if the exercise of it, is dictated or influenced by another authority, particularly, as in this case, his superior officer or Government, and is not governed by his independent judgment, it cannot be held to be a valid exercise of his power. It is abundantly clear, that in this case, the power was exercised by the District Educational Officer, not on his independent judgment, but in pursuance of the instruction issued by Government to the Director of Public Instruction, and conveyed by the latter to him, in more elaborate and specific terms. Ext. P. 1 has therefore to be quashed, and it is quashed accordingly. This does not preclude the District Educational Officer, from taking appropriate action, if he considers it necessary to do so. I make no order as to costs.