

(1959) 02 KL CK 0009
In the High Court Of Kerala
Case No : A.S. No. 679 of 1958

Rev. Fr. Jose Callian

APPELLANT

Vs

Director of Public Instruction

RESPONDENT

Date of Decision : 11-02-1959

Acts Referred:

Constitution of India, 1950 — Article 30(2)

Citation : AIR 1959 Ker 331 : (1959) 3 KLJ 650

Hon'ble Judges : P.T. Raman Nair, J;M.S. Menon, J

Bench : Division Bench

Advocate : K.S. Sebastian, for the Appellant; C.M. Kuruvilla, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Raman Nayar, J.—The appellant petitioner's grievances were :

(i) That by the order Ext. P2 dated 11-6-1958, the 4th respondent State Government withdrew the recognition accorded to the Upper Primary School that was being run by the petitioner, and,

(ii) that by an order dated 14-6-1958 the Government accorded sanction to the 3rd respondent to run a similar school in the same locality. The first of these orders was cancelled on 18-6-1958, five days before the institution of the present petition, and the second has been held in abeyance by an order dated 7-3-1958, so that, as pointed out by the learned single judge who heard the petition in the first instance, the petitioner has now no subsisting grievance. But he insisted and still insists that the second order must be quashed by this court as being in violation of Article 30 of the Constitution, the petitioner being a Roman Catholic and therefore a member of a minority community. Like the learned single judge we are completely at a loss to see how the establishment of another school in the same locality interferes with the petitioner's right to run his school and if the result thereof is that the petitioner cannot get enough pupils

to earn a grant surely it cannot be said that the State is discriminating against him on the ground of his community. Even if, as alleged by the petitioner, the sanction granted to the 3rd respondent is against the provision of the Cochin Education Code, a body of rules which it has been repeatedly held by this court have no statutory force and are mere administrative directions, that sanction cannot amount to a discrimination against the petitioner on the ground of his community.

2. We dismiss the appeal with costs. Advocate's fee Rs. 250/- (Two hundred and fifty) one set.