

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 27TH DAY OF APRIL 2018 / 7TH VAISAKHA, 1940

WP(C).No. 14202 of 2018

PETITIONERS :

- 1 THE MANAGER,
A K M HIGHER SECONDARY SCHOOL,
KOTOOR, INDIANOR,
MALAPPURAM-676503.

BY ADV.SRI.V.A.MUHAMMED

RESPONDENTS :

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHAPURAM-695014.
- 3 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM-695001.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM DISTRICT-676519.
- 5 THE KERALA STATE COMMISSION FOR PROTECTION
OF CHILD RIGHTS T.C.14/2036,
VANROSS JUNCTION, P.O. KERALA UNIVERSITY,
THIRUVANANTHAPURAM-695034,
REPRESENTED BY ITS REGISTRAR.

BY SRI. RAVI KRISHNAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-04-2018, ALONG WITH WPC.14406/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

EL

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE CIRCULAR NO.H4/26488/2017 DPI
DATED 31.03.2018 OF THE 2ND RESPONDENT

EXHIBIT P2 TRUE COPY OF THE CIRCULAR
NO.ACD.C2/108048/2018/HSE DATED 04.04.2018
OF THE 3RD RESPONDENT

EXHIBIT P3 TRUE COPY OF THE INTERIM ORDER IN
W.P. (C)NO.15200/2017-Y DATED 12.05.2017.

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

P.S. TO JUDGE

EL

28.4.2018

DEVAN RAMACHANDRAN, J.

**W.P.(C) Nos.14202, 14406, 14420, 14426, 14437,
14448, 14462, 14471, 14565,14583, 14586,
14587, 14588, 14589, 14603, 14608, 14611,
14616, 14617, 14632 & 14638 of 2018**

Dated this the 27th day of April, 2018

JUDGMENT

The Managements, Parent Teacher Association and students of some of the schools in Kerala imparting education under the State syllabus as well as CBSE have filed these writ petitions impugning the order passed by the Kerala Commission for Protection of Child Rights recommending that none of the schools be allowed to conduct additional classes for the children who are studying in the 9th to 12th standards during the notified summer recess 2018.

2. The petitioners allege that the recommendation of the Commission was made to the Director of Public Instructions (DPI), who consequentially issued a Circular dated 31.03.2018 directing that such additional classes cannot be conducted by any schools in Kerala and cautioning that any violation of the Circular will visit the schools with strict consequences. The petitioners assert that the additional classes during the summer recess has been, in fact, requisitioned by the parents and students of the schools and there is no compulsion that any student participate in the classes voluntarily. In effect, the petitioners' case is that the proposed conduct of the summer classes are strictly as per the desire of the students themselves and they, therefore, contend that the Circular of the DPI is illegal and unlawful.

3. I notice that the petitioners have taken a legal contention that the recommendation of the Child Rights Commission and the Circular issued by the DPI, even if found to be legally tenable, could not apply to those students who are studying in classes above 8th standard, since as per the provisions of the Protection of Child Rights Act, under which

the Commission has been constituted, it would apply only to those children belong to the age group up to fourteen years.

4. I also see that similar matters were filed before this Court in the previous academic year and that several orders were issued permitting conduct of summer classes subject to the approval of the CBSE and the competent educational authorities.

5. Since conduct of summer classes are at the request and advice of the parents and students of the various schools and classes are being conducted only for classes 11 upwards, I cannot see any reason why either the Child Rights Commission or the DPI should interdict such classes. The classes, it is stated, are conducted for the benefit of the students to provide them necessary impetus for excellence in future and to finish the vast portions, thus equipping them better in completing the syllabi effectively. Since there is no case for anyone that the students are compelled to sit in vacation classes against their desire and since I cannot find anything stated in the Circular of the DPI or the recommendation of the students intent not to sit in such additional classes, I deem it appropriate to order this

writ petition allowing the schools involved in these cases to conduct additional classes during the summer recess 2018, however, in strict vigilance by the competent educational authorities and the CBSE, as the case may be. I order accordingly.

I make it clear that if any complaint is raised by any student or parent against conduct of such classes, it shall be taken due notice by the competent authorities and appropriate instructions issued to the respective schools.

The writ petitions are thus ordered.

Sd/-

DEVAN RAMACHANDRAN,
JUDGE

vps 27/4

/True Copy/

PS to Judge