

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.21448 of 2018

PETITIONER/S:

- 1 K.IBRAHIM, MANAGER, AKM HIGHER SECONDARY SCHOOL,
KOTTOOR, INDIANOR P.O., MALAPPURAM DISTRICT.
- 2 JUNAID PARAVAKKAL, PARENTS-TEACHERS ASSOCIATION
PRESIDENT, AKM HIGHER SECONDARY SCHOOL, KOTTOOR,
INDIANOR P.O., MALAPPURAM DISTRICT.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT/S:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 014.
- 3 DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM DISTRICT, PIN-676 505.
- 4 DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM DISTRICT, PIN-676 505.
- ADDL R5 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM (IS IMPEADED AS ADDL.R5 AS PER
ORDER DATED 26.07.2018 IN I.A.NO.13176/2018).

BY SPECIAL GOVERNMENT PLEADER, SRI.S. KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C).NO.23191/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.23191 of 2018

PETITIONER/S:

MANAGER, J.M.H.S., PORUVAZHY P.O, SASTHAMCOTTA,
KOLLAM DISTRICT-690 520.

BY ADVS.
SRI.CHERIAN GEE VARGHESE
SRI.BIJU HARIHARAN
SRI.P.C.SHIJIN
SRI.P.HARIDAS
SRI.R.B.BALACHANDRAN
SRI.RENJI GEORGE CHERIAN
SRI.RISHIKESH HARIDAS

RESPONDENT/S:

- 1 STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, PIN-695 014.
- 3 DEPUTY DIRECTOR OF EDUCATION,
KOLLAM-691 009.
- 4 DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA-691 506.

BY SPECIAL GOVERNMENT PLEADER, SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY ,THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C) .No. 23885 of 2018

PETITIONER/S:

- 1 T.SIVASANKARAN, AGED 62 YEARS, S/O. RAMATHARAKAN,
MANAGER, A.L.P SCHOOL, MANGODE, CHERPULASSERY-679 503.
- 2 SUBRAMANIAN. C. , MANAGER, A.U.P SCHOOL,
SREEKRISHNAPURAM, CHERPULASSERY.
- 3 NARAYANAN EZHUTHACHAN, MANAGER, SREE RAMA JAYAM A.L.P
SCHOOL, ESWARAMANGALAM, SREEKRISHNAPURAM,
CHERPULASSERY.
- 4 GINESH P.B. , MANAGER, N.N NAMBOODIRI MEMORIAL U.P
SCHOOL, KARALMANNA, CHERPULASSERY.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695 014.
- 3 DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD - 678 001.
- 4 ASSISTANT EDUCATIONAL OFFICER,
CHERPULASSERY - 679 503.

BY SRI.S.KANNAN, SPECIAL GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES,
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.24564 of 2018

PETITIONER/S:

- 1 O.K.MOIDU, SON OF O. ALI, AGED 74 YEARS, MANAGER, ANANGANNADI HIGHER SECONDARY SCHOOL, P.O. PANAMANNA, OTTAPALAM, PALAKKAD DISTRICT-679 501.
- 2 DR. K. RAVIKUMAR, SON OF LATE K. KUTTAN PILLA, AGED 59 YEARS, MANAGER, KPS MM HIGHER SECONDARY SCHOOL, VARODE, PALAKKAD DISTRICT-679 102.

BY ADVS.
SRI.V.A.MUHAMMED
SRI.M.SAJJAD

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE-II, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS, JAGATHY, THIRUVANANTHAPURAM-695 014.
- 3 THE DIRECTOR OF HIGHER SECONDARY EDUCATION, HOUSING BAORD BUILDING, SANTHI NAGAR, THIRUVANANTHAPRUAM-695 001.
- 4 THE DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, KENATHUPARAMBU, KUNATHURMEDU, PALAKKAD-678 001.
- 5 THE REGIONAL DIRECTOR OF HIGHER SECONDARY EDUCATION B2 BLOCK, CIVIL STATION RD, UP HILL, MALAPPURAM-676 505.
- 6 THE DISTRICT EDUCATIONAL OFFICER OTTAPPALAM, PALAKKAD DISTRICT-679 101.

BY SRI.S.KANNAN, SPECIAL GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.25187 of 2018

PETITIONER/S:

T.S. PADMAKUMARI, WIFE OF LATE JAYAKUMAR P., AGED
59 YEARS, MANAGER, PUPSM HIGH SCHOOL, PALLICKAL,
P.O.NORNAD, PATHANAMTHITTA DISTRICT- 690504.

BY ADVS.

SRI.V.A.MUHAMMED

SRI.V.RAJASEKHARAN NAIR

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT ANNEXE-II, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695 014.
- 3 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM - 695 001.
- 4 THE DEPUTY DIRECTOR OF EDUCATION
PATHANAMTHITTA AT THIRUVALLA - 689 101.
- 5 THE REGIONAL DIRECTOR OF HIGHER SECONDARY
EDUCATION, KOTTAYAM - 686 001.
- 6 THE DISTRICT EDUCATIONAL OFFICER
PATHANAMTHITTA - 689 001.

BY SPECIAL GOVERNMENT PLEADER, SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.25279 of 2018

PETITIONER/S:

K.S.BAIJU, SON OF K.V.SUSEELAN, AGED 49 YEARS,
MANAGER, VELAYUDHA PANICKER MEMORIAL HSS,
VELLARADA, THIRUVANANTHAPURAM DISTRICT-695 505.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT ANNEXURE-11, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695 014.
- 3 THE DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUNSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM-695 001.
- 4 THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM-695 001.
- 5 THE REGIONAL DIRECTOR OF HIGHER SECONDARY
EDUCATION, THIRUVANANTHAPURAM-695 001.
- 6 THE DISTRICT EDUCATIONL OFFICER, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT-695 121.

BY ADV.SRI.S.KANNAN, SPECIAL GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.26125 of 2018

PETITIONER/S:

THE MANAGER, CMM HIGHER SECONDARY SCHOOL,
THALAKULATHUR, KOZHIKKODE-603203.

BY ADVS.
SRI.T.T.MUHAMOOD
SRI.A.RENJIT
SRI.C.Y.VINOD KUMAR
SRI.MOHAMMED SAVAD
SRI.V.E.ABDUL GAFOOR

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695 014.
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKKODE-673001.
- 4 THE DISTRICT EDUCATIONL OFFICER, KOZHIKKODE-673001.

BY SPECIAL GOVERNMENT PLEADER, SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.26168 of 2018

PETITIONER/S:

P.MURALEEDHARAN, AGED 57 YEARS, MANAGER, SABARI
HIGHER SECONDARY SCHOOL, PALLIKURUP,
(VIA)MANNARKAD.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT/S:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM- 695 014.
- 3 DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD- 678 001.
- 4 DISTRICT EDUCATIONAL OFFICER,
MANNARKKAD- 678 541.
- 5 DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM- 695 001.

BY SPECIAL GOVERNMENT PLEADER, SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.35519 of 2018

PETITIONER/S:

SANGEETHA SOCIETY MANAGEMENT CORPORATE AIDED
SCHOOLS, (OWNED BY SANGEETHA AGRI-INDUSTRIAL SOCIAL
WELFARE AND EDUCATIONAL SOCIETY ER 380/02),
PALAMATTAM P.O., KOTHAMANGALAM, REPRESENTED BY ITS
CHAIRMAN T.P.VARGHESEKUTTY, THEKKILAKKAT HOUSE,
PALAMATTAM P.O., KOTHAMANGALAM.

BY ADVS.

SRI.M.A.ABDUL HAKHIM

SRI.JOSEPH GEORGE (KANNAMPUZHA)

RESPONDENT/S:

- 1 THE GOVERNMENT OF KERALA, REPRESENTED BY SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001.
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, PIN-695001.
- 3 DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD, PIN-678001.
- 4 DISTRICT EDUCATIONAL OFFICER,
CHITTOOR, PALAKKAD, PIN-678001.
- 5 ASSISTANT EDUCATIONAL OFFICER,
CHITTOOR, PALAKKAD, PIN-679101.

BY SPECIAL GOVERNMENT PLEADER, SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.28129 of 2018

PETITIONER/S:

- 1 P.MURALIDHARAN, AGED 42 YEARS, MANAGER, HIGHER SECONDARY SCHOOL, KADAMBUR, KANNUR DISTRICT-670663.
- 2 KADAMBUR HIGHER SECONDARY SCHOOL, PARENT TEACHER'S ASSOCIATION, KADAMBUR, KANNUR DISTRICT-670663, REPRESENTED BY THE PRESIDENT SAJEEVAN VENGILAT, VENGILAT HOUSE, MELOOR P.O, THALASSERY, KANNUR DISTRICT-670661.

BY ADV. GEORGE POONTHOTTAM

RESPONDENT/S:

- 1 UNION OF INDIA, REPRESENTED BY THE MINISTRY OF HUMAN DEVELOPMENT, DEPARTMENT OF SCHOOL EDUCATION AND LITERACY, SASTHRI BHAVAN, NEW DELHI-110115.
- 2 CENTRAL BOARD OF SECONDARY EDUCATION REPRESENTED BY THE SECRETARY, SIKSHA KENDRA, COMMUNITY CENTRE, PREETH VIHAR, DELHI-110091.
- 3 THE SECRETARY TO GOVERNMENT OF KERALA, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 4 THE DIRECTOR OF PUBLIC INSTRUCTIONS, JAGATHY, THIRUVANANTHAPURAM-695014.
- 5 THE DIRECTOR, HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDINGS, 2ND FLOOR, THAMPANOR-PANAVILA ROAD, SANTHI NAGAR, THYCAUD, THIRUVANANTHAPURAM, PIN-695001

BY ADVS.

SRI.NIRMAL S., SC, CBSE

SRI.S.KANNAN, SPECIAL GOVERNMENT PLEADER

SRI.HARIDAS P.NAIR, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No.29581 of 2018

PETITIONER/S:

THE MANAGER, AGED 84 YEARS, PAVANDOOR HIGHER
SECONDARY SCHOOL, PAVANDOOR, P.O.,
KOZHIKODE DISTRICT-673613.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENT/S:

- 1 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECTARIAT ANNEXE-II, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF HIGHER SECONDARY SCHOOL,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM-695001.
- 3 THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHPURAM-695014.
- 4 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION, KOZHIKODE-673020.
- 5 THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE-673020.
- 6 THE DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY, KOZHIKODE DISTRICT-673573.
- 7 THE STATION HOUSE OFFICER, KAKKUR POLICE STATION,
KAKKUR, KOZHIKODE-673613.

BY SPECIAL GOVERNMENT PLEADER, SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.11.2018, ALONG WITH WP(C)NO.21448/2018 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[WP (C) 23191/2018, WP (C) .21448/2018,
WP (C) .23885/2018, WP (C) .24564/2018,
WP (C) .25187/2018, WP (C) .25279/2018,
WP (C) .26125/2018, WP (C) .26168/2018
WP (C) .28129/2018, WP (C) .29581/2018,
WP (C) .35519/2018]

JUDGMENT

"C . R . "

In these bunch of writ petitions, the petitioners challenge the directions issued by the Director of Public Instructions as well as the Director of Higher Secondary School to remove CCTV cameras installed in the classrooms. The petitioners are Managers of recognised/aided schools in the State.

2. The problem presented in these writ petitions calls for a decision as to how to balance competing rights involved in a relationship. The stand of the school authority is that such installation of CCTV cameras are indispensable to monitor the class and also to protect the students. Safety and security angle are projected to justify installation of cameras. It is also urged that in order to maintain discipline it is essential to have CCTV cameras in the classrooms. This Court, in fact, by an interim order in all these writ petitions directed the petitioners to remove the cameras installed in the toilets as it would have a direct impact on the privacy of the users of such toilets. This Court find no reason to vary that interim order. Therefore, that interim order is made absolute.

3. It appears that several complaints have been raised, as against installation of cameras, by the parents and teachers. The stand of the official respondents is that installation of CCTV cameras in the classrooms amount to harassment and would invade into the privacy of teachers as well as students. It appears that a complaint was also lodged before the State Human Rights Commission. The complaint was forwarded to the Director of Public Instructions to submit a report. Complaints also have been lodged by some of the students alleging that installation of CCTV cameras in classrooms negate complete freedom available to them.

4. Right of the management to take such measures to protect safety and security of the students cannot be questioned. At the same time, the right of the students to protect themselves from the constant surveillance of the cameras also cannot be ignored. Safety, security and privacy will have to be balanced. In a particular relationship when there are competing rights overlapping each other, the foremost question that would arise for consideration is whether public officials, who are only discharging statutory and administrative functions are competent to pass such orders in the absence of any specific provisions in that regard in the statute.

5. The regulation as such now sought to be enforced in regard to installation of CCTV cameras would have direct infringement on the right of the Management to manage and administer the schools. The regulatory powers of administrative and regulatory authorities in regard to management must be traceable to legislation or executive decision. Regulatory intervention would be required if such regulation is designed to serve the object of the regulations. The Director of Public Instructions and the Director of Higher Secondary Education cannot assume themselves as a Regulator, unless they derive such power to regulate, within the ambit of the power given to them.

6. The essential legislative power includes the power to regulate the behaviour of individuals or the right of individuals. This essential legislative power, normally, cannot be delegated. The power now exercised by the Director of Public Instructions as well as the Director of Higher Secondary Education is in the nature of legislative function in a sense that the impact of exercise of such power would restrict the right of management of the school. Therefore, in the absence of any delegated legislation, the officials as above could not have exercised the power to regulate installation of CCTV. The installation of CCTV cameras cannot be viewed in isolation of the object for which it was installed. Security and

safety are the concern. If the order of removal can be justified on the ground of privacy, installation also can be justified on the ground of safety and security. Thus, this delicate balancing of rights will have to be resolved through the legislative mandates or executive decision. It is for the State or the Government to decide the same. It appears that the officials have ignored the purport and object of installation of CCTV cameras. This Court cannot balance such competing rights without the same being considered by the State. No doubt, the individual concerned, who is aggrieved by the installation, still has the constitutional remedy. This Court is only pointing out that such a balancing exercise will have to be done by the State or by this Court when the aggrieved approach.

7. Installation as such now being not contrary to any of the statutory provisions, I am of the view that the impugned order has to be set aside. Accordingly, I do so. Thus, the writ petitions are disposed setting aside the impugned orders. Liberty is given to the State to come out with suitable regulations. No costs.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

APPENDIX OF WP (C) NO.21448/2018

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE ORDER
 NO.NM.4/72280/2017/DPI DATED 19.11.2017.
- EXHIBIT P2 TRUE COPY OF THE SCHOOL PERFORMA NO.1
 SHOWING THE TOTAL NUMBER OF THE STUDENTS IN
 THE SCHOOL.
- EXHIBIT P3 TRUE COPY OF THE LIST OF TEACHING AND NON-
 TEACHING STAFF IN THE SCHOOL.
- EXHIBIT P4 TRUE COPY OF THE FITNESS CERTIFICATE DATED
 31.10.2017 ISSUED BY THE ASST. ENGINEER,
 LOCAL SELF-GOVERNMENT DEPARTMENT.
- EXHIBIT P5 PHOTOGRAPH SHOWING THE CCTV CAMERA FIXED IN
 FRONT OF THE SCHOOL.
- EXHIBIT P6 PHOTOGRAPH SHOWING THE CCTV CAMERA INSTALLED
 IN THE LIBRARY OF THE SCHOOL.
- EXHIBIT P7 TRUE COPY OF THE PHOTOGRAPH SHOWING CCTV
 CAMERA INSTALLED ON THE TOP OF CLASS-ROOM.
- EXHIBIT P8 TRUE COPY OF THE ORDER ISSUED BY THE
 DIRECTOR OF HIGHER SECONDARY EDUCATION
 DATED 12.07.2018.

RESPONDENTS EXHIBITS:

- EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017
 TOGETHER WITH THE COMPLAINT DATED
 17.08.2017, ISSUED FROM THE KERALA STATE
 HUMAN RIGHTS COMMISSION.
- EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

APPENDIX OF WP (C) NO.23191/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 THE ORDER OF THE 4TH RESPONDENT APPROVING
 THE APPOINTMENT OF THE PETITIONER AS MANAGER

EXHIBIT P2 TRUE COPY OF THE CIRCULAR M.4/72280/2017/DPI
 DATED 19-11-2017

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017
 TOGETHER WITH THE COMPLAINT DATED
 17.08.2017, ISSUED FROM THE KERALA STATE
 HUMAN RIGHTS COMMISSION.

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

WPC 21448/2018 & c/cases

-:7:-

APPENDIX OF WP (C) NO. 23885/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ORDER NO. NM. 4/72280/2017/DPI
DATED 19/11/2017.

EXHIBIT P2 TRUE COPY OF THE INTERIM ORDER IN W.P (C) NO.
21448/18.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

ms

APPENDIX OF WP (C) NO.24564/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE LETTER NO. M4/72280/2017/DPI
DATED 19/11/2017 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT P2 TRUE COPY OF THE CIRCULAR
NO.ACD.C2/112803/HSE DATED 12/7/2018 ISSUED
BY THE 3RD RESPONDENT.

EXHIBIT P3 TRUE COPY OF THE NEWS PUBLISHED IN
MATHRUBHUMI DAILY

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017
TOGETHER WITH THE COMPLAINT DATED
17.08.2017, ISSUED FROM THE KERALA STATE
HUMAN RIGHTS COMMISSION.

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

APPENDIX OF WP (C) NO.25187/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE LETTER NO.M4/72280/2017/DPI
DATED 19.11.2017 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT P2. TRUE COPY OF THE CIRCULAR NO.ACD.C/112803/HSE
DATED 12.07.2018 ISSUED BY THE 3RD
RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE NEWS PUBLISHED IN
MATHRUBHUMI DAILY DATED 07.06.2018.

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE COMPLAINT DATED 13.07.2018

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
11.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

APPENDIX OF WP (C) NO.25279/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1; TRUE COPY OF THE LETTER NO.M4/72280/2017/DPI
DATED 19.11.2017 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT P2; TRUE COPY OF THE CIRCULAR
NO.ACD.C2/112803/HSE DATED 12.7.2018 ISSUED
BY THE 3RD RESPONDENT.

EXHIBIT P3; TRUE COPY OF THE NEWS PUBLISHED IN
MATHRUBHUMI DAILY.

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017
TOGETHER WITH THE COMPLAINT DATED
17.08.2017, ISSUED FROM THE KERALA STATE
HUMAN RIGHTS COMMISSION.

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

WPC 21448/2018 & c/cases

-:11:-

APPENDIX OF WP (C) NO.26125/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1; TRUE COPY OF LETTER NO.M4/72280/2017/DPI
DATED 19.11.2017.

EXHIBIT P2; TRUE COPY OF THE INTERIM ORDER IN W.P. (C)
NO.21448/2018 DATED 28.06.2018.

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017
TOGETHER WITH THE COMPLAINT DATED
17.08.2017, ISSUED FROM THE KERALA STATE
HUMAN RIGHTS COMMISSION.

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

WPC 21448/2018 & c/cases

-:12:-

APPENDIX OF WP (C) NO.26168/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1; TRUE COPY OF ORDER NO.NM/72289/2017/DPI DATED
19.11.2017.

EXHIBIT P2; TRUE COPY OF THE CIRCULR ISSUED BY THE
DIRECTOR OF HIGHER SECONDARY EDUCATION DATED
12.7.2018.

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017
TOGETHER WITH THE COMPLAINT DATED
17.08.2017, ISSUED FROM THE KERALA STATE
HUMAN RIGHTS COMMISSION.

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED
13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

APPENDIX OF WP(C)NO.28129/2018

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE COMMUNICATION D.O.NO.10-11/2014-EE.4 DATED 09.10.2014 ISSUED BY GOVERNMENT OF INDIA, WITH ANNEXURES, TO ALL STATE GOVERNMENTS INCLUDING THE 3RD RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE COMMUNICATION NO.CBSE/ACAD/DIR(ARTI)/2015 DATED 9TH MARCH 2015 ISSUED BY CBSE TO ALL INSTITUTIONS.
- EXHIBIT P3 TRUE COPY OF THE CIRCULAR NO.CBSE/AFF/CIRCULAR-8/2017/1217401 DATED 23.2.2017 ISSUED BY THE 2ND RESPONDENT WITH ENCLOSURES.
- EXHIBIT P4 TRUE COPY OF THE CIRCULAR NO.CBSE/AFF/SCHOOL SAFETY/19 DATED 12.9,2017 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE COMMUNICATION NO.M.4/72280/2017 /DPI DATED 19.11.2017 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P6 TRUE COPY OF THE CIRCULAR NO.ACD.C2/72280/2017 DPI DATED 19.11.2017 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE COMPLAINT AND THE REPLY RECEIVED ON AN APPLICATION UNDER RIGHT TO INFORMATION ACT.

RESPONDENTS EXHIBITS:

- EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017 TOGETHER WITH THE COMPLAINT DATED 17.08.2017, ISSUED FROM THE KERALA STATE HUMAN RIGHTS COMMISSION.
- EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED 13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

WPC 21448/2018 & c/cases

-:14:-

APPENDIX OF WP(C)NO.29581/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE LETTER NO.M4/72280/2017/DPI DATED
19.11.2017 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO.ACD.C2/112803/HSE DATED
12.7.2018 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P3 TRUE COPY OF THE NEWS PUBLISHED IN MATHRUBHUMI DAILY.

EXHIBIT P4 TRUE COPY OF THE INTERIM ORDER IN W.P. (C)
NO.25279/2018-H DATED 27.07.2018.

RESPONDENTS EXHIBITS:

EXHIBIT R2 (A) TRUE COPY OF THE NOTICE DATED 13.09.2017 TOGETHER WITH
THE COMPLAINT DATED 17.08.2017, ISSUED FROM THE
KERALA STATE HUMAN RIGHTS COMMISSION.

EXHIBIT R2 (B) TRUE COPY OF THE COMPLAINT DATED 13.07.2018.

//TRUE COPY//

P.S.TO JUDGE

ms

APPENDIX OF WP (C) NO. 35519/2018

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 A PHOTOSTAT COPY OF THE BYE LAW OF THE
PETITIONER APPROVED BY RESPONDENTS 3
AND 5.

EXHIBIT P2 A PHOTOCOPY COPY OF THE ORDER ISSUED BY
THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S.TO JUDGE

ms