

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 30TH DAY OF AUGUST 2019 / 8TH BHADRA, 1941

WP(C).No.22093 OF 2019(J)

PETITIONER/S:

THE MANAGER,
PARAMPILLAI MEMORIAL HIGH SCHOOL,
KARAKONAM - 695 504, THIRUVANANTHAPURAM DISTRICT.

BY ADVS.
SMT.V.P.SEEMANDINI (SR.)
SMT.V.BHARGAVI (PANANGAD)
SMT.P.A.RINUSA
SRI.M.R.ANISON

RESPONDENT/S:

- 1 THE INSPECTOR OF POLICE,
VELLARADA STATION, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT - 695 505.
- 2 SATHEESH KUMAR, 'SAKETHAM', KUNNATHUKAL,
KUNNATHUKAL P.O., THIRUVANANTHAPURAM - 695 504.
- 3 SAJI.S., 'SAJI BHAVAN', POOVATHUR, MANJAVILAKAM P.O.,
THIRUVANANTHAPURAM - 695 503.
- 4 SANTHOSH. V.S., 'ANIMUGHAMVEEDU', KUNNATHUR,
KUNNATHUKAL P.O., THIRUVANANTHAPURAM - 695 504.
- 5 RAJESH KUMAR, 'SREE NIVAS', CHAVADI,
KUNNATHUKAL P.O., THIRUVANANTHAPURAM - 695 504.

R2-R5 BY ADV. SRI.G.SUDHEER
R2-R5 BY ADV. SRI.R.HARIKRISHNAN (H-308)

OTHER PRESENT:

SR.GP SRI.P.P.THAJUDEEN FOR R1.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.08.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Vinod Chandran & V.G.Arun, JJ.

W.P(C) No.22093 of 2019-J

Dated, this the 30th day of August, 2019

JUDGMENT

Vinod Chandran, J.

The petitioner is concerned with the interference caused to the academic and administrative matters of the school by respondents 2 to 5. The 2nd respondent is said to be the President of the Parent Teacher Association [PTA]. The 3rd respondent is the Vice-President and respondents 4 and 5 the members of the PTA.

2. We, on admission, passed an interim order dated 13.08.2019, which is as follows:

"2. Considering the averments in the Writ Petition, we are of the opinion that the police has to afford necessary protection to see that outsiders do not interfere with the functioning of the school. Respondents 2 to 5, even according to the petitioner, are PTA members. They cannot be restricted from entering the school. However, if any obstruction is caused to the smooth functioning of the school, the police shall see that such obstruction, even if caused by respondents 2 to 5, shall be averted".

3. The respondents 2 to 5 appear and contend that they have never interfered with the functioning of the school. It is also submitted that there is a security personnel posted at the gates of the school and there can be no free entry to the school. Respondents 2 to 5

undertake that they will not enter into the school compound unless for attending PTA meetings. It is submitted that the party respondents on behalf of the PTA, has filed a complaint before the DEO at Exhibit R2(b) and Director, General Education at Exhibit R2(e). It relates to flagrant violation of the guidelines issued by the Government as to the functioning of the PTA, as seen from Exhibit R2(a). The Manager of the school has purchased the school only two years back. The husband of the petitioner-Manager is collecting money from the parents far in excess of what has been permitted in Exhibit R2(a) guidelines. The amounts so collected are also not deposited in the accounts, is the submission.

4. One another allegation raised by the PTA is that the Manager has appointed four outsiders, who are constantly interfering in the affairs of the school and are also said to be prohibiting the parents from seeing the Headmistress of the school. We see that the reply affidavit filed by the petitioner specifically speaks of two daily wage girls engaged by the Management as Receptionists to attend all matters. There are also said to be two qualified men staff in the respective field engaged by the petitioner on a regular basis, which is also not to regular posts. On a specific query made as to whether they are appointed to

sanctioned posts, the learned Senior Counsel submits that they are not.

5. The learned Senior Counsel for the petitioner, submits that they have no objection in the DEO proceeding with the complaint; but, however, the PTA members cannot interfere in the administrative or academic matters of the school. It is also submitted that the amounts are not collected by the Manager or the Principal and it is the PTA who collected the amounts. It is also submitted that Platinum Jubilee celebration of the school was conducted in the academic year 2018-19 and huge amounts were collected by the PTA. There is no accounting of the income and expenditure of the funds amassed for the said function by the PTA office bearers, is the allegation.

6. We are not concerned with the complaint before the DEO, which has to be considered by the DEO independently. If there is complaint of misappropriation of funds by the PTA, that is also a matter which has to be considered by the DEO and if a misappropriation is found as such, the DEO is entitled to proceed against the members of the PTA who are involved in such misappropriation. We, however, do not want to make any observation on the said complaints, which have to be agitated before the appropriate forum.

7. As far as the administrative and academic functions, it is the sole discretion of the Manager and Principal of the aided school. PTA cannot make any interference in such matters. We record the undertaking of the party respondents that they will not enter into the compound of the school unless for attending PTA meetings or for enquiring about their wards. If any obstruction is caused, the police shall interfere and ensure that the obstruction is removed and the school is functioning smoothly. Considering the submission of the party respondents that four outsiders are working in the school which fact is not disputed by the petitioner-Manager, it is directed that the DEO shall ensure that none other than the approved staff of the school are working in the school during school hours.

The writ petition is disposed of as above. Parties are directed to bear their respective costs.

Sd/-
K.VINOD CHANDRAN
JUDGE

Sd/-
V.G.ARUN
JUDGE

vkul/-

APPENDIX**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE ORDER BEARING NO.B3/4013/2018/D.DIS DATED 3.5.2019 ISSUED BY THE DEO NEYYATTINKARA.
EXHIBIT P2	TRUE COPY OF PHOTOGRAPH SHOWING THE OLD AND NEW SCHOOL BUILDING.
EXHIBIT P3	TRUE COPY OF THE INVITATION PUBLISHED IN CONNECTION WITH THE PLATINUM JUBILEE CELEBRATION WITH THE PHOTOGRAPH SHOWING INAUGURATION OF THE SEMINAR SESSION BY THE GOVERNOR.
EXHIBIT P4	TRUE COPY OF THE RELEVANT PAGES OF THE SCHOOL CALENDAR
EXHIBIT P5	TRUE COPY OF INVITATION SHOWING THE FUNCTION ALONG WITH RELEVANT PHOTOGRAPHS.
EXHIBIT P6	TRUE COPY OF PHOTOGRAPH SHOWING DISTRIBUTION OF UNIFORMS AND INAUGURATION OF NIGHT CLASSES FOR S.S.L.C. STUDENTS BY THE LOCAL M.L.A
EXHIBIT P7	TRUE COPY OF THE REPRESENTATION DATED 10.8.2019 WITH ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P8	TRUE COPY OF JUDGMENT DATED 31.8.2018 WPC NO.27380/2018 RENDERED BY THIS HON'BLE COURT.
EXHIBIT P9	TRUE COPY OF THE CIRCULAR NO. H1-72607/85 DATED 07/04/1985 ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTION
EXHIBIT P10	TRUE COPY OF THE LETTER DATED 05/08/2019 SUBMITTED BEFORE THE DEO, NEYYATTINKARA
EXHIBIT P11	TRUE COPY OF THE COVER PAGE OF THE PROSPECTUS OF THE MARINE COLLEGE
EXHIBIT P12	TRUE COPY OF THE STATEMENT GIVEN BY THE TEACHERS ON 04/05/2019

RESPONDENT'S/S EXHIBITS:

EXHIBIT R2 (A)	TRUE COPY OF THE G.O. (MS) NO.126/2007/G.EDN.DATED 25.06.2007 ISSUED BY THE GENERAL EDUCATION DEPARTMENT
EXHIBIT R2 (B)	TRUE COPY OF THE COMPLAINT FILED BEFORE THE DEO BY RESPONDENTS 2AND 3 DATED 06.08.2019
EXHIBIT R2 (C)	TRUE COPY OF THE IDENTITY CARD OF 2ND RESPONDENTS DAUGHTER THEETHA A.S. STUDYING IN CLASS IX-E OF PPMHS
EXHIBIT R2 (D)	TRUE CPY OF ID CARD OF 3RD RESPONDENTS SON DEVANARAYANAN STUDING IN CLASS VIII-H IN PPMHS
EXHIBIT R2 E	TRUE COPY OF THE COMPLAINT FILED BY THE PTA EXECUTIVE COMMITTEE, PARAMUPILLAI MEMORIAL HIGH SCHOOL BEFORE THE DIRECTOR, GENERAL EDUCATION DATED 20-08-2019.
EXHIBIT R2 F	TRUE COPY OF THE SHOW CAUSE NOTICE TO THE HEADMISTRESS WITH NO.D/1655/19 DATED 21-8-19 ISSUED BY THE AEO, PARASSALA

[TRUE COPY]