

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Friday, the 24th day of November 2023 / 3rd Agrahayana, 1945
WP(C) NO. 39398 OF 2023 (Y)

PETITIONER:

P K NAVAS, AGED 33 YEARS, S/O MOIDEEN, PAZHAYAKATH, VELIMUKKU P O.
MALAPPURAM, PIN - 676317

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN - 695001
2. PRINCIPAL SECRETARY, GENERAL EDUCATION DEPARTMENT, ROOM NO. 206, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN - 695001
3. THE DIRECTOR OF GENERAL EDUCATION (HSE WING), HOUSING BOARD BUILDING, SANTHI NAGAR, THIRUVANANTHAPURAM, PIN - 695001
4. DEPUTY DIRECTOR OF EDUCATION, KILLIPPALAM, CHALAI P O, THIRUVANANTHAPURAM, PIN - 695036
5. DEPUTY DIRECTOR OF EDUCATION, GOVT BHSS CAMPUS, THEVALLY P.O, KOLLAM, PIN - 691009
6. DEPUTY DIRECTOR OF EDUCATION, THIRUVALLA, PATHANAMTHITTA, PIN - 689101
7. DEPUTY DIRECTOR OF EDUCATION, NEAR CIVIL STATION, ALAPPUZHA, PIN - 688001
8. DEPUTY DIRECTOR OF EDUCATION, VAYASKARAKUNNU NEAR PULIMOODU JN, KOTTAYAM, PIN - 686001
9. DEPUTY DIRECTOR OF EDUCATION, THODUPUZHA, IDUKKI, PIN - 685584
10. DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, KAKKANAD P.O, ERNAKULAM, PIN - 682030
11. DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, AYANTHOLE, THRISSUR, PIN - 680003
12. DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, PALAKKAD, PIN - 678001
13. DEPUTY DIRECTOR OF EDUCATION, KOTTAPPADY DOWN HILL, MALAPPURAM, PIN - 676519
14. DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE, PIN - 673001
15. DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, KALPETTA NORTH, WAYANAD, PIN - 673122

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of Exhibit P1 order and to prevent the respondents 4-15 to participate the students in the navakerala sadass for the proper disposal of the W.P.C.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.P.E.SAJAL & AJAS K.S., Advocates for the petitioner, GOVERNMENT PLEADER for Respondents, the court passed the following:

DEVAN RAMACHANDRAN, J.

=====

W.P.(C) No.39398 of 2023

=====

Dated this the 24th day of November, 2023

ORDER

The learned Additional Advocate General, instructed by Sri.T.S.Shyam Prasanth - learned Government Pleader, appears for the respondents.

2. The petitioner asserts that Ext.P1 is an abuse of process and that it has been issued by the 13th respondent in excess of power.

3. *Prima facie*, this Court feels that the 13th respondent does not obtain jurisdiction or competence under any of the applicable Statutes, Rules or Regulations, to issue an order akin to Ext.P1. In any event, the use of children in such manner is not authorized under the Kerala Education Act or the Rules thereunder, under which alone, the said Authority can Act - he being the Deputy Director of Education.

4. Pertinently, at this time, the learned Additional Advocate General intervened to say that Ext.P1 has been withdrawn, through a subsequent order of the 13th respondent dated 20.11.2023. He then added that no child will be forced or encouraged to participate in any event, as has been mentioned in Ext.P1, in any of the districts in Kerala.

: 2 :

5. I record this.

6. Normally, this Court could have closed the writ petition, based on the afore submissions of learned Additional Advocate General; but it must be ensured that Authorities do not abuse their powers in future.

7. Needless to say, therefore, the Head Masters/Principals of schools are warned not to subject any of their students/wards to any activities which are not part of the educational curriculum, on the instructions of any of the official respondents in this case.

8. I order so because, the right to education is a constitutionally protected right, which enures to every student and child, notwithstanding their class, creed or status; and it is the duty of the Educational Authorities to protect this, rather than encourage them into activities, which are in non-educational color.

List on 27.11.2023 along with W.P.(C)No.38552/2023.

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

(H/o)
ACR

APPENDIX OF WP(C) 39398/2023

Exhibit P1

**TRUE COPY OF THE NOTIFICATION DATED 14.11.2023 ISSUED
BY THE 13TH RESPONDENT**

