

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 27<sup>TH</sup> DAY OF MARCH 2024 / 7TH CHAITHRA, 1946

WP(C) NO. 3266 OF 2017

PETITIONER/S:

SISTER ANNAMMA MATHAI  
AGED 60 YEARS, MANAGER, LITTLE FLOWER GIRLS HIGHER  
SECONDARY SCHOOL, HOSDURG, KANHANGAD.

BY ADVS.  
SRI.M.RAMESH CHANDER (SR.)  
SRI.BALU TOM  
SMT.K.A.SANJEETHA

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY TO EDUCATION, GOVERNMENT OF  
KERALA, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS  
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCION,  
THIRUVANANTHAPURAM-695001.
- 3 DEPUTY DIRECTOR OF EDUCATION  
KASARAGOD-671121.
- 4 DISTRICT EDUCATIONAL OFFICER  
KASARAGOD-671121.
- 5 KERALA STATE COMMISSION FOR PROTECTION  
OF CHILD RIGHTS, REPRESENTED BY ITSCHAIRMAN,  
THIRUVANANTHAPURAM-695001.

BY ADVS.

GOVERNMENT PLEADER  
SRI.A.DINESH RAO

OTHER PRESENT:

SRI.RIYAL DEVASSY, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
27.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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**W.P.(C.) No. 3266 of 2017**  
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**Dated this the 27<sup>th</sup> day of March, 2024**

### **JUDGMENT**

The petitioner is the Manager of Little Flower Girls High Secondary School, Kanhangad which is an unaided school functioning under the provisions of the Kerala Education Act and Rules. In the year 1978, the District Educational Officer was pleased to accord permanent recognition to the school for LP section as evident by Ext.P1 order is the submission. In the lower primary classes, the school had admitted boys along with girls. As per the proceedings of the 4<sup>th</sup> respondent, permanent recognition to the school was given from Std. V to VII as per Ext.P2. In the year 1986, the recognition was granted to the school from Std.VIII to X as evident by Ext.P3. In Exts.P2 and P3, the name of the school is shown as “Little Flower Girls

High School". According to the petitioner, the school has not admitted any boys students from Class V onwards. It continues as purely girls school from Class V to X. Now, the school is Higher Secondary School wherein also only girls are studying is the submission. It is submitted that not a single boy had passed out from the portals of this institution from Xth standard or XIIth standard.

2. On 20.06.2016, a communication was received by the Headmaster of the school directing the school to delete the word "girls" from the name of the school. It is submitted that based on the directions from the 2<sup>nd</sup> respondent the same is issued. Ext.P5 is the letter. Along with Ext.P5, the circular of the 2<sup>nd</sup> respondent was also enclosed. Ext.P6 is the circular. The reason given in Ext.P6 is that when a student who passes out from the school after completing either SSLC or XII<sup>th</sup> standard, the SSLC certificate would show that the name of the school as either boys school or girls school. This is creating difficulties for the students is the submission. But, it is not

clear from Ext.P5 that the above notice is issued based on any complaint from any students. The petitioner submitted Ext.P7 reply to Ext.P5. It is also the case of the petitioner that the order of the commission made mention in Ext.P6 circular was not given to the petitioner. The school was also not a party in that proceedings is the submission. In Ext.P7, the petitioner stated that based on the recognition granted to conduct classes from Std.V to XII, the school had admitted only girl students. It is submitted that the school which is run by sisters of convent have been admitting only girl students for which permission is also granted. On 23.07.2016, the 3<sup>rd</sup> respondent again issued a communication directing the petitioner to comply with the condition for the change of the name of the school and to report forthwith. Ext.P8 is the proceedings. A reply was given to Ext.P8. Thereafter, on 17.01.2017, another communication was received from the 3<sup>rd</sup> respondent. According to them, though the facts mentioned in Ext.P7 was brought to the notice of the commission, they had not agreed for the same. Ext.P9 is

the communication. It is submitted that the order passed by the commission was not served to the petitioner. The petitioner has been directed immediately to change the name of the school by deleting the words "girls" from its name. The petitioner submitted Ext.P10 to Ext.P9 communication. Subsequently, as per Ext.P11, the petitioner was directed to take immediate steps to change the name of the school. Ext.P11 is based on a communication from the 2<sup>nd</sup> respondent as evident by Ext.P12. It is the contention of the petitioner that in a school where only girl students are admitted from Class V to Class XII, there is no necessity to change or delete the word "girls" from the name of the school. It is submitted that if the word "girls" is deleted from the name of the school, it will create a confusion in the minds of the student as well as the their parents is the submission. It also submitted that the order of the 5<sup>th</sup> respondent which is referred in the impugned notice is passed without hearing the persons effected like the petitioner. It is also submitted that the order and the circular are in violation

of the Chapter 2 Rule 6 of the Kerala Educational Rules in which 'girl school' is specifically defined. It is submitted that the 5<sup>th</sup> respondent is an authority constituted under Section 17 of the Commission for Protection of Child Rights Act. The circulars or orders now issued do not come within the said powers of the commission is the submission. Hence, this writ petition is filed with the following prayers:-

*i) Issue a writ of certiorari or any other appropriate writ, order or direction to quash the originals of Exhibits P5, P6, P8, P9, P11 and P12.*

*ii) Issue a writ of prohibition restraining or forbearing the respondents from changing the name of the school from Little Flower Girls Higher Secondary School to "Little Flower Higher Secondary School.*

*iii) Issue such other order / direction as this Hon'ble Court deems fit and proper under the circumstances of this case."* [SIC]

3. Heard the learned Senior Counsel Adv.Ramesh Chander assisted by his retaining counsel and also heard the learned Government Pleader.

4. This Court perused impugned orders in this case. The short point to be decided in this case is that, whether the petitioner is bound to remove the word “girls” from the name of the school. The respondent 1 to 4 are issuing orders based on a direction issued by the 5<sup>th</sup> respondent. Admittedly, the 5<sup>th</sup> respondent has not heard the petitioner before passing such an order. For that simple reason, I am of the considered opinion that the orders passed by the 5<sup>th</sup> respondent is not binding.

5. Moreover, the 3<sup>rd</sup> respondent filed a counter in which it is admitted that 'Girls' School' is contemplated in the Kerala Education Rules. It will be better to extract paragraph 7 of the counter filed by the 3<sup>rd</sup> respondent:

*“7. It is submitted that, as per Rule 6, Chapter II of KER, schools where admissions to some or all of the standards is restricted to girls shall be known as “Girls School.” The said statutory provision justifies the existence of the school as a girl's school and the protection envisaged under this rule cannot be superceded by any executive orders or by any other similar directions issued, later.*

*Therefore it is most respectfully prayed that, the above Writ*

*Petition is devoid of any merits and which is liable to be dismissed with costs.*

6. Moreover, when a school is known in a particular fashion, the change of the name of the school will definitely create confusion in the minds of the students and parents. I am of the considered opinion that based on the orders passed by the 5<sup>th</sup> respondent, the petitioner need not change the name of the school.

Therefore, this writ petition is disposed of with the following directions :

1) Exts.P5, P6, P8, P9, P11 and P12 are quashed to the extent it is applicable to the petitioner's school and the directions in it to change the name of the school from 'Little Flower Girls' Higher Secondary School' to 'Little Flower Higher Secondary School'.

**Sd/-**

**P.V.KUNHIKRISHNAN  
JUDGE**

APPENDIX OF WP(C) 3266/2017

PETITIONER EXHIBITS

- P1 TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 20/04/1978
- P2 TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT
- P3 TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 4TH RESPONDENT DATED 26/03/19865
- P4 TRUE COPY OF THE STRENGTH PARTICULARS OF THE STUDENTS WHO ARE STUDYING IN THE SCHOOL AT PRESENT
- P5 TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT DATED 20/06/2016
- P6 TRUE COPY OF THE CIRCULAR ISSUED BY THE 2ND RESPONDENT DATED 24/05/2016
- P7 TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER DATED 04/08/2016
- P8 TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DATED 23/07/2016
- P9 TRUE COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE 3RD RESPONDENT DATED 17/01/2017
- P10 TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER DATED 19/01/2017
- P11 TRUE COPY OF THE COMMUNICATION DATED 21/01/2017
- P12 TRUE COPY OF THE COMMUNICATION OF THE 3RD RESPONDENT DATED 04/01/2017