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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 20TH DAY OF FEBRUARY 2024 / 1ST PHALGUNA, 1945

WP(C) NO. 4955 OF 2024

PETITIONER:

**SNDP YOGAM SAKHA NO: 982,
REPRESENTED BY CHAIRMAN,
ADMINISTRATIVE COMMITTEE,
RAJEENDRABABU, SNDP YOGAM OFFICE,
MANANTHALA, THIRUVANANTHAPURAM,
PIN - 695015**

**BY ADVS.
R.SUNIL KUMAR
A.SALINI LAL**

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY PRINCIPAL
SECRETARY GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 DIRECTOR, DIRECTORATE OF GENERAL EDUCATION,
JAGATHI, THIRUVANANTHAPURAM -, PIN - 695014**
- 3 HEADMISTRESS, GOVERNMENT HIGH SCHOOL & L.P
SCHOOL, MANANTHALA P.O, THIRUVANANTHAPURAM,
PIN - 695015**

BY G.P.- SRI.SUNIL KUMAR KURIAKOSE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

CR**JUDGMENT**

The petitioner seeks that the Open Air Auditorium of the Government High School, Mananthala, be made available to them for the purpose of a religious function, attached to the ‘Anandavalleswaram Temple’.

2. Sri.R.Sunil Kumar – learned counsel for the petitioner, submitted that the requested activity will be conducted only after the school hours and that there is no reason why the Headmistress of the School should have issued Ext.P4, denying such permission, particularly when, as evident from Ext.P5 photographs and many other inputs that can be made available, the school grounds had been allowed to be used for various other activities by other organizations in the past. He submitted that, therefore, Ext.P4 is illegal and liable to be set aside.

3. I must say upfront that the afore arguments of Sri.Sunil Kumar can never appeal to this Court because, it is non-negotiable that the properties of a school – especially its grounds - be used

only for the benefit of the students and for no other. In fact, this is exactly what the Headmistress has said in Ext.P4, though she says that she is stating so only because of the earlier orders of this Court.

4. There can be no doubt that the petitioner has been emboldened to approach this Court seeking the facilities of the School for activities which are not connected to it, only because the Authorities concerned appear to have granted such permissions in the past. This is extremely distressing because, Schools are temples of learning, intended only for the intellectual and overall enrichment of students; and hence, any activity therein, normally, can be done only keeping this in mind and no other. How facilities of schools, particularly of Government Schools, are allowed to be used by other entities/organizations for functions which are unrelated to the benefit of the students, is something which requires deep thought and reflection.

5. Government Schools are ones, normally, accessed by children of ordinary citizens and it is the collective responsibility of the community and the Government to ensure that they are raised

to the highest levels of excellence possible. This can be done only if there is a commitment to education, ensuring every facility to each student, no matter what financial strata he/she belongs to. The feeling that Government Schools can be used for any purpose, since it is a collective property, is a thought of the past and cannot be countenanced in the modern era, particularly when, all over the world, such schools are now reaching the zeniths of educational excellence, preparing its students to be the citizens of future.

6. In fact, the learned Government Pleader – Sri.Sunil Kumar Kuriakose, unequivocally affirmed the afore concern of this Court, saying that it is the same sentiment that has been expressed in Ext.P4 by the Headmistress. He, therefore, prayed that this Writ Petition be dismissed; adding that the allegation, that the school property had been used for other activities in the past, is something which he is not aware of.

7. It is thus needless to say that the request of the petitioner can never find favour of this Court and hence that Ext.P4 deserves to be left un-interdicted.

This Writ Petition is thus dismissed.

However, I am certain that a report with respect to the allegations of the petitioner, as regards the use of the School for other activities in the past is necessary; for which, I order that, even though this Writ Petition stands disposed of, a report on the afore issue alone will be made available to this Court by the 3rd respondent by 11.04.2024; and the Registry will list it for appropriate action before me on 12.04.2024.

RR

Sd/-

DEVAN RAMACHANDRAN
JUDGE

APPENDIX OF WP(C) 4955/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE TAX RECEIPT DATED 8/7/2022
Exhibit P2	TRUE COPY OF THE PLAINT IN OS NO.1499/23 DATED 14/8/2023
Exhibit P3	TRUE COPY OF THE LETTER DATED 19/1/2024 ISSUED BY THE PETITIONER ORGANISATION
Exhibit P4	TRUE COPY OF THE REPLY LETTER DATED 19/1/2024 ISSUED BY THE HEADMISTRESS
Exhibit P5	A PHOTOGRAPH SHOWING THE FUNCTION CONDUCTED BY NAVA KERALA PURUSHA SAHAYA SANGAM IN THE AUDITORIUM
Exhibit P6	A ROUGH SKETCH OF THE TEMPLE THE TRUE COPY OF THE PHOTOGRAPHS TAKEN BY THE PETITIONER ON 22.02.2024
Exhibit P7	THE TRUE COPY OF THE PHOTOGRAPHS TAKEN BY THE PETITIONER ON 25/2/2024