



2023:KER:30935

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 8TH DAY OF JUNE 2023 / 18TH JYAISHTA, 1945

WP (C) NO. 17921 OF 2023

PETITIONER:

SAROSH P.ABRAHAM,
AGED 62 YEARS
S/O P.T.ABRAHAM, MANAGER, ST.MARY'S RESIDENTIAL CENTRAL
SCHOOL, POOJAPPURA, THIRUVANANTHAPURAM-695012, RESIDING
AT 8L POWER LINK SHIV, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695014

BY ADVS.
SABU GEORGE
P.B.KRISHNAN
P.B.SUBRAMANYAN
MANU VYASAN PETER
CHITHIRA VENUGOPAL
MEERA P.

RESPONDENTS :

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF HUMAN
RESOURCES DEVELOPMENT, SASTHRI BHAVAN,
NEW DELHI, PIN - 110001
- 2 CENTRAL BOARD OF SECONDARY EDUCATION
SIKSHA KENDRA, 2 COMMUNITY CENTRE, PREETH VIHAR, DELHI,
REPRESENTED BY ITS SECRETARY, PIN - 110092
- 3 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 4 DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THIRUVANANTHAPURAM, PIN - 695014
- 5 CENTRAL BOARD OF SECONDARY EDUCATION CBSE REGIONAL
OFFICE, BLOCK B, 2ND FLOOR, LIC DIVISIONAL OFFICE
CAMPUS, PATTOM, THIRUVANANTHAPURAM REPRESENTED BY ITS



REGIONAL OFFICER, PIN - 695004

6 THE KERALA CBSE SCHOOL MANAGEMENT
ASSOCIATION
PENTA TOWER, BANERJI ROAD, KALOOR,
ERNAKULAM, REPRESENTED BY THE PRESIDENT,
PIN - 682017

SMT.NISHA BOSE, SENIOR GP,
SRI.MANU.S, DSGI,
SRI.NIRMAL.S, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.06.2023, ALONG WITH
WP(C).15954/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 8TH DAY OF JUNE 2023 / 18TH JYAISHTA, 1945

WP(C) NO. 15954 OF 2023

PETITIONERS:

- 1 THE KERALA CBSE SCHOOL MANAGEMENT
ASSOCIATION
REG NO.174/1996, PENTA TOWER, 7TH FLOOR,
KALOOR, KOCHI- 682017, REPRESENTED BY ITS
PRESIDENT T.P.M.IBRAHIM KHAN, AGED 75
YEARS, S/O.PAREED BAVA KHAN, SENIOR
ADVOCATE, UNITED LAW CHAMBERS, S.R.M.ROAD,
ERNAKULAM, KOCHI, PIN - 682018
 - 2 THE CHAIRMAN
LAKEFORD SCHOOL, VATTAKAYAL, KAVANAD,
KOLLAM-691003.
 - 3 THE CHAIRMAN
NATIONAL PUBLIC SCHOOL,
MUKHATHALA, KOTTIYAM, KUNDRA ROAD, KOLLAM,
PIN - 691577
 - 4 THE CHAIRMAN
SABARIGIRI ENGLISH SCHOOL, AGASTHICODE,
ANCHAL, KOLLAM, PIN - 691306
 - 5 THE MANAGER
CRESENT PUBLIC SCHOOL, THOTTAMUGHAM,
ALUVA, ERNAKULAM, PIN - 683105
- BY ADVS.
T.S.HARIKUMAR
P.B.SAHASRANAMAN



RESPONDENTS :

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE
GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF GENERAL EDUCATION
DIRECTORATE OF GENERAL EDUCATION, THYCAUD,
THIRUVANANTHAPURAM - 695014
- 3 CENTRAL BOARD OF SECONDARY EDUCATION (CBSE)
SIKSHA KENDRA, 2 COMMUNITY CENTRE, PREET
VIHAR, DELHI - 110092, REPRESENTED BY ITS
SECRETARY.
- 4 THE REGIONAL DIRECTOR
CENTRAL BOARD OF SECONDARY EDUCATION, BSNL
RTTC CAMPUS, KAIMANAM,
THIRUVANANTHAPURAM - 695040

BY ADV NIRMAL S

SMT.NISHA BOSE, SENIOR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.06.2023, ALONG WITH
WP(C).17921/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J.

W.P.(C)No. 17921 and 15954 of 2023

Dated this the 08th day of June, 2023

JUDGMENT

These two writ petitions are filed with a common grievance and therefore I am disposing of these two writ petitions by a common judgment.

2. These writ petitions are filed challenging the proposed guidelines framed by the Director of General Education for setting up Fee Regulatory Committee and fixing the fee in CBSE/ICSE affiliated schools and unaided schools in the state following Kerala State syllabus.

4. Heard the learned counsel appearing for the petitioners and the learned Government Pleader.

5. Counsel appearing for the petitioners submitted that, they have already submitted



representations before the Government narrating their grievance and there may be a direction to the Government to consider the same before proceeding with the guidelines. The learned Government Pleader after getting instructions submitted that, the Director of General Education forwarded a guideline regarding the constitution of a Fee Regulatory Committee to the Government and the Government has not taken any decision either to issue an executive order or for a legislation. If that be the case, I am of the considered opinion that, before proceeding further, the representations submitted by the petitioners also can be considered.

Therefore, these writ petitions are disposed of in the following manner:

- i. The 1st respondent in W.P. (C)No.15954/2023 is directed to consider and pass appropriate orders in Exts.P4 and P6



representations submitted by the petitioners in W.P.(C)Nos.17921/2023 and 15954/2023 respectively, after giving an opportunity of hearing to the petitioners, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment.

ii. Petitioners will produce a certified copy of this judgment along with a copy of these writ petitions before the State of Kerala, represented by the Secretary to the General Education Department, Government Secretariat, Thiruvananthapuram, for compliance.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE



APPENDIX OF WP(C) 15954/2023

PETITIONER EXHIBITS

- EXHIBIT P.1 THE TRUE PHOTOSTAT COPY OF THE AFFILIATION BY-LAWS 2018 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P.2 THE TRUE PHOTOSTAT COPY OF THE GUIDELINES ISSUED BY THE 1ST RESPONDENT FOR GRANTING NOC TO THE UNAIDED CBSE SCHOOLS FOR AFFILIATION
- EXHIBIT P.3 THE TRUE PHOTOSTAT COPY OF THE JUDGMENT IN W.P.(C).NO.26744 OF 2016, DATED 17-03-2023
- EXHIBIT P.4 THE TRUE PHOTOSTAT COPY OF THE ORDER IN R.P.NO.472 OF 2023 IN W.P.(C).NO.26744 OF 2016 DATED 11-04-2023
- EXHIBIT P.5 THE TRUE PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER AND OTHERS DATED NIL
- EXHIBIT P 6 THE TRUE PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT, DATED 24-05-2023



APPENDIX OF WP(C) 17921/2023

PETITIONER EXHIBITS

EXHIBIT-P1 A TRUE COPY OF THE JUDGMENT DATED
17-02-2023 IN W.P(C) NO.26744 OF
2016

EXHIBIT-P2 A TRUE COPY OF JUDGMENT DATED 11-
04-2023 IN R.P NO.472 OF 2023
BEFORE THIS HON'BLE COURT

EXHIBIT-P3 TRUE COPY OF THE CURRENT
AFFILIATION BYE-LAWS ISSUED IN THE
YEAR 2018 BY THE 2ND RESPONDEN

EXHIBIT-P4 A TRUE COPY OF THE REPRESENTATION
PREFERRED BY THE PETITIONER DATED
26-05-2023

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE