

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**Present:**

**THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

**Tuesday, the 15th day of September 2020/24th Bhadra, 1942**

**WP(C) No.19023/2020 @**

**PETITIONERS:**

1. **BIJU C.M., AGED 44 YEARS**  
**S/O.MANY, KOIKKARAM PARAMBIL, KAIPADAMUKAL ROAD,**  
**VADAKODU P.O., ERNAKULAM - 682 021.**  
**(PARENT OF LIYAM K.B.STANDARD VI AND PRANAV K.B.STANDARD III)**
2. **SANUJA SADIQUE, AGED 36 YEARS,**  
**W/O.SADHIQUE, ROBIN VILLA, CHANGAMPUZHA NAGAR P.O.,**  
**EDAPPALLY P.O., ERNAKULAM - 682 024.**  
**(PARENT OF ATIF STANDARD V).**
3. **ANWAR A.I.,**  
**AGED 31 YEARS, S/O.A.M.IBRAHIM, AYYAMBRATH HOUSE,**  
**V.K.C.P.O., THEVAKKAL - 682 021.**  
**(PARENT OF AFFRINA A. STANDARD VII AND AFFAN A. STANDARD II)**
4. **SEENA MOL,**  
**AGED 40 YEARS, W/O.ARUN, HARIPRIYA APPARTMENT,**  
**KUSAT P.O., KALAMASSERY- 683 104.**  
**(PARENT OF JAIMES JOSEPH STANDARD XII)**
5. **P.K.SHIVASANKARAN, AGED 48 YEARS,**  
**S/O.KUMARAN, PEZHUGAL PARAMBIL, PALLILAMKARA,**  
**HMT COLONY P.O. - 683 503, KALAMASSERY**  
**(PARENT OF YADHUKRISHNAN P.S. STANDARD VIII AND**  
**DEVIKRISHNAN P.S. STANDARD IV)**
6. **C.A.FIROSE, AGED 46 YEARS,**  
**S/O.ABDUL HAMEED, CHIRAKKAL HOUSE,**  
**HMT COLONY P.O., KALAMASSERY - 683 104.**  
**(PARENT OF AYAN FIROSE STANDARD VI AND AMARIN FATHIMA STANDARD III)**
7. **SADHIQUE N.I., AGED 41 YEARS,**  
**S/O.IBRAHIM, NETTUKUDI HOUSE,**  
**EDATHALA NORTH P.O., ALUVA - 683 101**  
**(PARENT OF MUHAMMED SWALIH STANDARD II)**

**RESPONDENTS:**

1. **THE STATE OF KERALA**  
**REPRESENTED BY ITS SECRETARY,**  
**DEPARTMENT OF EDUCATION, SECRETARIAT,**  
**THIRUVANANTHAPURAM - 695 001.**
2. **CENTRAL BOARD OF SECONDARY EDUCATION,**  
**SHIKSHA KENDRA 2, COMMUNITY CENTRE, PREET VIHAR,**  
**DELHI - 110 092, REPRESENTED BY ITS CHAIRMAN.**  
**OFFICE CAMPUS, PATTOM, THIRUVANANTHAPURAM - 695 004.**
3. **DEPUTY DIRECTOR OF EDUCATION,**  
**ERNAKULAM DISTRICT, CIVIL STATION,**  
**KAKKANAD P.O., ERNAKULAM - 682 030.**
4. **ST.JOSEPH PUBLIC SCHOOL,**  
**MANALIMUKKU, N.A.D P.O., ERNAKULAM - PIN - 683 563,**  
**REPRESENTED BY ITS PRINCIPAL.**
5. **THE REGIONAL OFFICER,**  
**CENTRAL BOARD OF SECONDARY EDUCATION, REGIONAL OFFICE AT**  
**THIRUVANANTHAPURAM, BLOCK B, 2ND FLOOR, LIC DIVISIONAL,**  
**THIRUVANANTHAPURAM - 695 001.**



WP(C) No.19023/2020 (C)

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 issue and interim direction to the 4<sup>th</sup> respondent to permit all the students in the 4<sup>th</sup> respondent school to participate in the online classes and in the upcoming periodic tests, pending disposal of the above.

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 SRI.S.SHYAM KUMAR, Advocate for the petitioners, GOVERNMENT PLEADER for R1 & R3 and of SRI.S.NIRMAL, STANDING COUNSEL for R2 & R5, the court passed the following:

gr/

P.T.O.



**DEVAN RAMACHANDRAN, J.**

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W.P.(C).No.19023 of 2020

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Dated this the 15<sup>th</sup> day of September, 2020

**ORDER**

Petitioners will take out notice before admission to the fourth respondent by E.mail/fax. Sri.S.Nirmal, learned standing counsel for respondents 2 and 5 and the learned Senior Government Pleader for respondents 1 and 3 will obtain instructions in this matter.

2. The petitioners allege that the fourth respondent school has expelled their children, who are their students, from the online classes merely on account of their incapacity to pay the full school fee at this time, on account of the Covid - 19 pandemic scenario.

3. Sri.S.Nirmal, learned standing counsel for the CBSE, submits that normally expulsion of students for want of fees is not encouraged and that he will obtain instructions in this matter specifically and inform this Court by the next posting date.

Taking note of the rather distressing situation that has gripped everyone on account of the Covid - 19 restrictions, I



deem it appropriate to direct the fourth respondent not to expel any student including the children of the petitioners from the online classes conducted by them, merely for the reason that necessary fees has not been paid yet.

I also direct the petitioners to inform this Court on the next posting date, the time frame within which they are ready to pay the fees.

List on 23.09.2020.

H/o.

stu

Sd  
DEVAN RAMACHANDRAN,  
JUDGE

MU  
ASSISTANT REGISTRAR

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15/9/2020