



2025:KER:31617

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 13813 OF 2025

PETITIONER:

P.K. SALEEM
AGED 44 YEARS
S/O KIDAVU HAJI (LATE), PUTHIYA KOMALAM,
KAVARATTI, UNION TERRITORY OF LAKSHADWEEP,
PIN - 682555

BY ADVS.
RILGIN V.GEORGE
K.T.RAVEENDRAN
AKSHARA K.P.
MEERA J. MENON
ARATHY P.S.
ANAGHA MANOJ

RESPONDENTS:

- 1 THE UNION TERRITORY OF LAKSHADWEEP
REPRESENTED BY ITS ADMINISTRATOR,
OFFICE OF THE ADMINISTRATOR,
KAVARATTI, PIN - 682555
- 2 THE SECRETARY
DEPARTMENT OF EDUCATION,
LAKSHADWEEP ADMINISTRATION,
KAVARATTI, PIN - 682555
- 3 THE DIRECTOR OF EDUCATION
DIRECTORATE OF EDUCATION,
LAKSHADWEEP ADMINISTRATION,
KAVARATTI, PIN - 682555



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W.P.(C) No.13813 & 14128 of 2025

: 2 :

4 THE PRINCIPAL
GOVERNMENT SENIOR BASIC SCHOOL,
KAVARATTI, PIN-, PIN - 682555

BY ADV K.S.PRENJITH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.04.2025, ALONG WITH WP(C).14128/2025, THE
COURT ON 11.04.2025 DELIVERED THE FOLLOWING:



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W.P.(C) No.13813 & 14128 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 14128 OF 2025

PETITIONER:

MAHMOOD.C
AGED 44 YEARS
S/O AHMED (LATE), CHEKKILLAM,
KAVARATTI,
UNION TERRITORY OF LAKSHADWEEP,
PIN - 682555

BY ADVS.
S.K.SAJU
P.K.SALEEM

RESPONDENTS:

- 1 THE UNION TERRITORY OF LAKSHADWEEP
REPRESENTED BY ITS ADMINISTRATOR,
OFFICE OF THE ADMINISTRATOR,
KAVARATTI, PIN - 682555
- 2 THE SECRETARY
DEPARTMENT OF EDUCATION,
LAKSHADWEEP ADMINISTRATION,
KAVARATTI, PIN - 682555
- 3 THE DIRECTOR OF EDUCATION
DIRECTORATE OF EDUCATION,
LAKSHADWEEP ADMINISTRATION,
KAVARATTI, PIN - 682555



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W.P.(C) No.13813 & 14128 of 2025

: 4 :

4 THE PRINCIPAL
PM SHRI GOVERNMENT SENIOR SECONDARY SCHOOL,
KAVARATTI, PIN - 682555

BY ADV K.S.PRENJITH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.04.2025, ALONG WITH WP(C).13813/2025, THE
COURT ON 11.04.2025 DELIVERED THE FOLLOWING:



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W.P.(C) No.13813 & 14128 of 2025

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N. NAGARESH, J.

.....
W.P.(C) Nos.13813 and 14128 of 2025
.....

Dated this the 11th day of April, 2025

J U D G M E N T

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Both the writ petitions relate to issues arising from the decision of the Lakshadweep Administration to shift the classes of Government Senior Basic School, Kavaratti in order to facilitate construction of a new building.

2. The petitioner in W.P.(C) No.13813/2025 is a practising Lawyer and is the Chairman of the School Management Committee (SMC) of the Government Senior Basic School (GSBS), Kavaratti. The petitioner is father of Liza Jenifer studying in 6th Standard of GSBS. The petitioner in W.P.(C) No.14128/2025 is the Chairman of the SMC of PM Shri Girls Senior Secondary School (GSSS), Kavaratti. The



petitioner is father of Anzeera studying in 7th Standard of GSSS.

3. The petitioner states that there is a proposal to shift classes of GSBS to other convenient Government buildings from the next academic year onwards so as to facilitate demolition of the existing building of GSBS for reconstruction. A directive has been issued to the Principal of GSBS by the Director of Education to handover the land for the said purpose. 432 students of GSBS which is situated at the southern end of Kavaratti Islands are to be shifted to the PM Shri Kendriya Vidyalaya, the Government Junior Basic School (N) and Government Junior Basic School (E) situated at the Northern and Eastern extremity of the Island. The SMC was not consulted before taking any decision in this regard.

4. The petitioner submitted Exts.P1 and P2 representations to respondents 2 and 3 respectively. Shifting the classes of GSBS to other Schools would jeopardise the interest of the students who will have to travel more than



3 Kms. without any public transport system available.

5. The petitioners state that as per Rule 6 of the RTE Rules, 2010, in respect of children in Classes from I to V, a School shall be established within a walking distance of 1 Km. of the neighbourhood. In respect of children in Classes from VI to VIII, Schools shall be established within a walking distance of 3 Km. of the neighbourhood. The Schools chosen by the respondents for shifting the students are beyond the statutory stipulation. Moreover, the three Schools to which the students are being shifted are overcrowded with no space to accommodate 15 Divisions and 433 students.

6. The petitioner states that in the joint meeting of the Principals of the four Schools held on 03.03.2025, the general consensus arrived at was in favour of the options put forth by the SMC. Without considering the representations or options, the 3rd respondent has now issued Ext.P4 office order dated 08.03.2025 directing to make arrangements for shifting of I to V Sections of GBSS to the nearby DIET Complex, as



per Ext.P4.

7. The petitioner states that the SMC has a duty to monitor the working of the School and to prepare and recommend School development plan. School development will include physical requirement of additional infrastructure and equipments. Therefore, the SMC ought to have been consulted before taking any decision to shift the students.

8. The petitioner in W.P.(C) No.14128/2025 states that he is the Chairman of the SMC of PM Shri GSSS, Kavaratti. The petitioner stated that the GSSS has 31 Divisions with 918 students. If students from GSBS are shifted to GSSS, it will definitely jeopardise the interests of the students, since the GSSS is already overcrowded. The petitioner also relied on Rule 6 of the RTE Rules, 2010 and contended that the shifting now proposed by the respondents would violate the requirements under the RTE Act and Rules.

9. The 3rd respondent-Director of Education filed a counter affidavit in the writ petitions. The 3rd



respondent submitted that the Kavaratti Island lacked a Model Senior Secondary School Building to cater to the needs of around 2000 students pursuing their studies from pre-school to Class XII.

10. The old Government Senior Secondary School Complex consists of eight building. Ext.R3(a) survey report dated 27.09.2023 recommended demolition of the old building. All the classrooms functioning in Blocks 1, 2 and 3 were shifted to adjacent Government buildings. The children from Standard I to VIII were not shifted in the last academic year. The existing buildings are more than 40 years old and the LPWD has identified the buildings for demolition due to safety concerns. As per the LPWD Manual, major repairs or alterations are not possible to these buildings. Allowing school children to continue in a surveyed building is a serious security concern.

11. I have heard the learned counsel for the petitioners and the learned Central Government Counsel



representing the Union Territory of Lakshadweep.

12. The petitioners, who are Chairmen of School Management Committees, are aggrieved by the decision taken by the respondents to shift 432 students of GSBS to three other Schools existing in the Kavaratti Island. The petitioners argue that shifting of children to far away place would offend Rule 6 of the RTE Rules, 2010. The SMC had submitted representations proposing options. These options are not considered and the SMCs were not consulted while taking the decision.

13. The first option proposed by the SMCs is that the present GSBS Classes may be allowed to continue in the remaining part of the present building and part of the old GSS building which are not marked for demolition in the first phase of construction. This proposal would indicate that the children will be exposed to security issues as they will be accommodated in the same compound where demolition and construction work will be taking place.



14. The second option proposed is to shift Classes VI to VIII to GJBS (North) for accommodating Classes I to V and temporary shed has to be constructed near the old KV Building for this purpose. The third option is that Standards VI to VIII of GSBS be shifted to PMS GSSS. The respondents have decided to shift the students of GSSS to the three other Schools in the same Island.

15. The counter affidavit filed by the 3rd respondent would indicate that the present decision was taken by the Lakshadweep Administration after discussing with all stakeholders including Chairmen of the SMC of all affected Schools. In the circumstances, this Court has no reason to conclude that the respondents have not considered relevant facts before deciding to shift the students from GSBS.

16. As regards the argument of the petitioners relying on Rule 6 of the RTE Rules, 2010, Rule 6 relates to establishment of Schools by appropriate Governments. In the case of Kavaratti Island of Lakshadweep, there are already



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sufficient Schools in the Island catering to the needs of the children of Islanders though the building infrastructure is old. The shifting of students as ordered now is only a temporary arrangement for construction of a new building. The construction is expected to completed in 18 months. In the circumstances, the argument of the petitioners relying on Rule 6 is only to be rejected.

The writ petitions are therefore without any merit. The writ petitions are hence dismissed.

Sd/-
N. NAGARESH, JUDGE

aks/10.04.2025



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APPENDIX OF WP(C) 13813/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE REPRESENTATIONS DATED 26.03.2025 GIVEN TO 2ND RESPONDENT
Exhibit P2	TRUE COPY OF THE REPRESENTATIONS DATED 26.03.2025 GIVEN TO 3RD RESPONDENT
Exhibit P3	A TRUE COPY OF THE COMMUNICATION DATED 06.03.2025
Exhibit P4	A TRUE COPY OF THE OFFICE ORDER DATED 08.03.2025

RESPONDENT'S EXHIBITS

Exhibit R3(a)	A true copy of the survey report dated 27.09.2023 approved by the Administrator vide Dairy No. 292
Exhibit R3(b)	A true copy of the letter F. No. 109/2004-05-VO.I-KSD/113 dated 03.02.2025
Exhibit R3(c)	A true copy of the letter F. No. 109/2004-05-VO.I-KSD/114 dated 03.02.2025
Exhibit R3(d)	A true copy of the letter F. No. 109/2004-05-VO.I-KSD/115 dated 03.02.2025
Exhibit R3(f)	A true copy of the letter F. No. 109/2004-05-VO.I-KSD/117 dated 03.02.2025
Exhibit R3(g)	A true copy of the letter F.No.2/34/2008-Gsssk/104 dated 06.02.2023 issued by the 4th respondent



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Exhibit R3(h) A true copy of the minutes of the
meeting held on 26.03.2025

Exhibit R3(e) A true copy of the letter F. No.
109/2004-05-VO.I-KSD/116dated
03.02.2025



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APPENDIX OF WP(C) 14128/2025

PETITIONER'S EXHIBITS

Exhibit P1 TRUE COPY OF THE ORDER IN
F.NO.50/01/2017-EDU(STAT) PART DATED
NIL

Exhibit P2 TRUE COPY OF THE LETTER IN
F.NO.16/01/2025.GSSSK/192 DATED
06.03.2025 ISSUED BY THE 4TH
RESPONDENT TO THE 3RD RESPONDENT

RESPONDENT'S EXHIBITS

Exhibit R3(f) A true copy of the letter F. No.
109/2004-05-VO.I-KSD/117 dated
03.02.2025

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Exhibit R3(g) A true copy of the letter
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meeting held on 26.03.2025