

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2317 of 2015

and

M.P.No.1 of 2015

Shahinsha Khaja Mainudeen
Correspondent
Fathima Nursery and Primary School
Chidambaram, Cuddalore District.

... Petitioner

Vs.

1. District Elementary Educational Officer
Cuddalore District,
Cuddalore.
2. Assistant Elementary Educational Officer,
Kumaratchi,
Cuddalore District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for a direction for calling for the records of the 1st respondent in its proceedings in Na.Ka.208/A4/2013 dated 19.12.2014 and quash the same and further direct the 1st respondent to consider the petitioner's application for renewal of recognition of the school.

For Petitioner : Mr.A.Muthukumar

For Respondents : Mr.M.Vijayakumar (AGP)
For R1 and R2.

O R D E R

1. The petitioner is an educational institution which has filed this writ petition, challenging the order passed by the respondent dated 09.12.2014, by which the application seeking renewal of recognition of the school has been returned citing four reasons :

1. Sanitation Certificate
2. No objection certificate from fire services
3. Building stability certificate from the District Collector's Recognized Engineers.
4. Building ownership certificate from Tahsildar.

2. A perusal of the documents filed in the typed set of papers would reveal that the petitioners application seeking renewal of recognition of the school is being repeatedly returned by stating one or the other reasons. It is further seen that the 1st respondent has passed the impugned order dated 09.12.2014, wherein the defects pointed out for rejection of the renewal application appears to be identical to the defects pointed out in his earlier letter dated 18.07.2014, demanding the same certificates mentioned therein.

3. The learned counsel for the petitioner submits that all the defects pointed out by the respondents have been complied with and a compliance report was submitted by enclosing the following copies of certificate namely: Certificate issued by the Village Administrative Officer, Chidambaram dated 06.01.2014, No Objection Certificate dated 07.01.2014 issued by the Station Officer, Fire Services, Chidambaram, Sanitation Certificate issued by the Chidambaram Municipality dated 21.01.2014, and the license issued by the Tahsildar, Chidambaram dated 04.03.2014. Despite furnishing all the details as required by the respondent, the petitioners application was returned/rejected and hence the present petition.

4. In the light of the above facts and circumstances, the order passed by the first respondent is quashed and the petitioner is directed to submit a fresh application seeking grant of renewal of recognition of the school with all documents enclosed as required by the respondents time and again. On receipt of such application, the first respondent is directed to check all the documents thoroughly, and if everything is found to be in order, shall grant approval within a period of six weeks from the date of receipt of the application.

With the above direction, the writ petition is allowed.
Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

prm

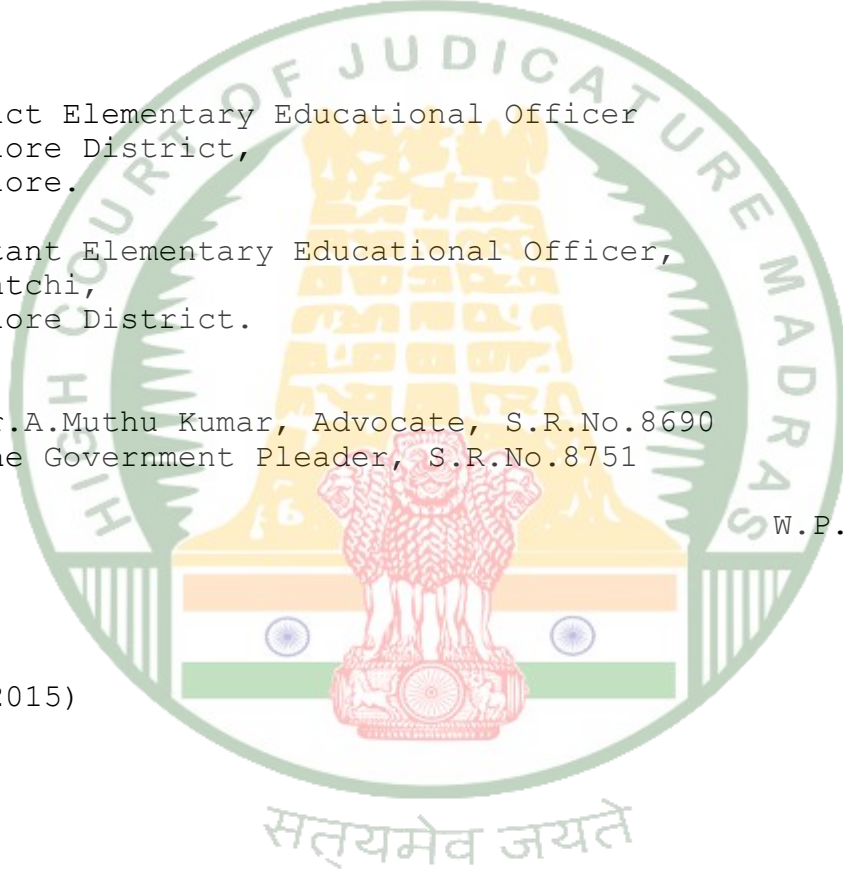
To

1. District Elementary Educational Officer
Cuddalore District,
Cuddalore.
2. Assistant Elementary Educational Officer,
Kumaratchi,
Cuddalore District.

+1cc to Mr.A.Muthu Kumar, Advocate, S.R.No.8690
+1cc to the Government Pleader, S.R.No.8751

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AK (CO)
CA (21/04/2015)



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