

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P.No.27331 of 2012
and
M.P.Nos.1 and 2 of 2012
and
M.P.No.1 of 2013

M.Venkatasamy Naicker

...Petitioner

vs.

1. The Joint Director,
(Elementary Education Aided),
College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Virudhunagar.
3. The Additional Assistant Elementary
Educational Officer,
Rajapalayam, Virudhunagar District.
4. The Assistant Elementary Educational Officer,
Kariyapatti,
Virudhunagar District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 2nd respondent in Na.Ka.No.4829/A2/2012 dated .09.2012 signed on 26.09.2012 on the basis of the inspection made by the first respondent on 21.9.2012 and quash the same.

For petitioner : Mr.A.Sivaji

For respondents : Mr.R.Ravichandran
Additional Government Pleader

ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed challenging the impugned proceedings issued by the second respondent, dated 26.09.2012, asking the petitioner to show cause, as to why the recognition granted in favour of the petitioner school should not be cancelled for the wrong entry made in the relevant register, with regard to the number of students admitted in the school.

3. The learned Additional Government Pleader appearing on behalf of the respondents had submitted that the impugned proceedings of the second respondent, dated 26.09.2012, is only a show cause notice and therefore, the present Writ Petition, filed by the petitioner, is premature in nature.

4. From the averments made in the affidavit filed in support of the Writ Petition and in the counter affidavit filed on behalf of the respondents and on perusal of the records available, it is clear that the impugned proceedings of the second respondent dated 26.09.2012 is only a show cause notice asking the petitioner to submit his explanation, with regard to the allegations made in the said notice.

5. In such circumstances, this Court finds it appropriate to permit the petitioner to submit a detailed explanation to the impugned notice issued by the second respondent, dated 26.09.2012, within a period of four weeks from the date of receipt of a copy of this order. Further, in view of the fact that the petitioner school has been in existence from 1938 onwards and this Court had passed an interim order of status-quo to be maintained, by order dated 08.10.2012, the interim order of status-quo granted by this Court shall continue till the second respondent considers the explanation to be submitted by the petitioner, as per the directions issued by the present order of this Court, and a final order is passed, based on the said explanation, after affording an opportunity of hearing to the petitioner.

6. The Writ Petition is disposed of, with the above directions. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Joint Director,
(Elementary Education Aided),
College Road,
Chennai - 600 006.
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Virudhunagar.
3. The Additional Assistant Elementary
Educational Officer,
Rajapalayam, Virudhunagar District.
4. The Assistant Elementary Educational Officer,
Kariyapatti,
Virudhunagar District.

1 CC to Mr.A.Sivaji, Advocate SR.No. 57958

1 CC to the Government Pleader, SR.No. 58088

W.P.No.27331 of 2012
and
M.P.Nos.1 and 2 of 2012
and
M.P.No.1 of 2013

GJ (CO)
PSI (05.11.2015)

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