



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WRIT PETITION (MD) No.2521 of 2015

WEB COPY

R.Prabhakaran

... Petitioner

-VS-

1. The Chief Educational Officer,
Tirchirappalli District,
Palakarai, Trichy.
 2. The District Elementary Educational Officer,
District Elementary Education Office,
Tirchirappalli.
 3. The Assistant Nursery and Elementary Educational Officer,
Tirchy District
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Mandamus, directing the 1st respondent to grant necessary approval for Bharath Nursery and Primary School at 18/26, Vella Chetty Street, Mannachanallur, Trichy District by considering the petitioner's application dated 12.01.2015 in continuation of the recommendation of 2nd respondent in Na.Ka.No.5618/Aa5/2010 dated 29.07.2010.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.V.Muruganantham
Addl.Govt.Pleader

O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the 1st respondent to grant necessary approval for Bharath Nursery and Primary School at 18/26, Vella Chetty Street, Mannachanallur, Trichy District by considering his application dated 12.01.2015 in continuation of the recommendation of 2nd respondent in Na.Ka.No.5618/Aa5/2010 dated 29.07.2010.

2. The case of the petitioner is that inspite of several requests sent by the petitioner for the grant of approval to his Nursery and Primary School, instead of passing suitable orders thereon, the second respondent has communicated a proceedings dated 23.12.2014 to the petitioner stating that no proposal for recognition has been received by them as per the Code of Regulations for Approved Nursery and Primary School. Therefore, the petitioner is before this Court, seeking above relief.



3. To controvert the same, learned Additional Government Pleader has submitted that the petitioner was earlier issued a show cause notice in the month of September, 2014 and since the second respondent has not received any explanation to the said show cause notice, the subsequent proceedings dated 23.12.2014 has been initiated. The petitioner, without submitting any documents or explanation to the said proceedings dated 23.12.2014, has come forward with the present petition by simply stating that his application dated 12.01.2015 has not been considered, as the proceedings have been culminated after issuance of the show cause notice, which cannot be questioned by the petitioner. Therefore, this writ petition has to be dismissed in limine.

4. Heard both the parties and perused the documents.

5. Admittedly, a show cause notice was issued to the petitioner in September, 2014 itself, which ultimately ended in another proceedings dated 23.12.2014 by the District Elementary Educational Officer, Tiruchirappalli, directing the petitioner to comply with the Code of Regulations for approved Nursery and Primary Schools with reference to G.O.Ms.No.484, Education dated 24.04.1991 as amended in G.O.Ms.No.349, Education dated 31.03.1993.

6. Therefore, this writ petition is disposed of with a direction to the petitioner to file necessary proposal along with supporting documents as per the proceedings dated 23.12.2014 to the second respondent, which shall be considered by the second respondent as expeditiously as possible, if the same is in order as per the terms of the Regulations. No costs.

Sd/-

Assistant Registrar(Writ)

/True copy/

sub Assistant Registrar

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To:

1. The Chief Educational Officer,
Tiruchirappalli District, Palakarai, Trichy.
2. The District Elementary Educational Officer,
District Elementary Education Office, Tiruchirappalli.
3. The Assistant Nursery and Elementary Educational Officer,
Tiruchy District.

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