

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14139 of 2016

All India Private Schools Legal
Protection Society
rep. by its President
I.Manoharan Jeyakumar

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal
Secretary to Government
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.

3.The Joint Director of Matriculation Schools,
Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to pass appropriate orders for issuing the order of renewal of recognition in favour of Matriculation Schools covered by G.O.Ms.No.135 School Education Department dated 18.08.2015 by considering the representation submitted by the petitioner Association within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pass appropriate orders with regard to renewal of recognition in favour of the Matriculation Schools covered under G.O.Ms.No.135 School Education Department dated 18.08.2015 by considering the

representation submitted by the petitioner Association within a time frame to be fixed by this Court.

2. The case of the petitioner, as averred in the writ petition is as follows:

2.1 The petitioner is a registered Society under the provisions of the Tamil Nadu Societies Registration Act (Tamil Nadu Act 27 of 1975) having registration No.675/2014. It has been formed with an object to protect the interest of its members, who are the recognized Matriculation Schools under the Code of Matriculation Schools and to ventilate their grievances in a collective manner.

2.2 While so, based on the recommendations of Prof.S.V.Chittibabu Commission, the Government issued G.O.Ms.No.48 School Education Department dated 21.07.2004, prescribing fee structure, minimum infrastructural facilities etc. which include land area for each school depending upon its location. In the said G.O, three or four years time was granted to the School Management for fulfillment of the condition, regarding minimum land area.

2.3 Subsequently, the State Government issued another order in G.O.Ms.No.238 School Education Department dated 26.11.2008, extending the time to fulfill the condition for securing minimum required land by further period of three years on the ground that additional lands could not be purchased by the Schools, because of the prime location of the schools and the manifold escalation of the cost of the land. Accordingly, the Matriculation Schools were granted time for a further period of three years from 26.11.2008 to 25.11.2011 for acquiring the minimum land area.

2.4 In the mean time, the Central Government has enacted the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) which provides for recognition of schools as well as providing for infrastructural facilities as directed therein. Pursuant to the same, the State Government framed the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011, which was notified in G.O.Ms.No.173 School Education Department dated 08.11.2011.

2.5 Since the pre-existing schools prior to G.O.Ms.No.48 School Education Department dated 21.07.2004, were called upon to expand the land area, the issue was taken up for consideration by the Government and a committee was constituted as per G.O(1D) No.54 dated 05.03.2013 to go into the issue of land requirements for the schools as stated in the earlier Government orders. Consequently, an Expert Committee was constituted with the Director of School Education as its Chairman and the Director of Matriculation Schools as its Member Secretary and also other members. The said Committee has gone

into the issue at length and submitted its recommendations to the Government. However, the final decision of the Government on this issue is pending.

2.6 In such circumstances, the Government issued orders in G.O.Ms.No.135 School Education Department dated 18.08.2015 stating that there are 746 Matriculation schools not satisfied with minimum land area, as per G.O.Ms.No.48 dated 21.07.2004, however, the recognition of the said Matriculation Schools has been extended till 31.05.2016, pending final decision to be taken by the State Government, based on the recommendations submitted by the Expert Committee.

2.7 Based on the said G.O., the respondents 2 and 3 have issued orders for granting renewal of recognition for 746 Matriculation Schools. The said fact was admitted in para 19 of the counter affidavit filed in a Public Interest Litigation in WP.No.40173 of 2015, which reads as follows:

"It is further submitted that those 746 Matriculation Schools were granted temporary conditional recognition till 31.05.2016 as a one time measure, pending final decision to be taken by the Government on the report submitted by the Expert Committee".

However, the copy of the said order granting renewal of recognition to those Matriculation Schools till 31.05.2016, has not been furnished to the concerned schools. Hence, the petitioner Society on behalf of its member Schools, submitted a representation to the respondents 2 and 3. As there was no response with regard to their request, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this court permits the petitioner Society to submit a fresh representation on behalf of its members to the respondents 2 and 3 along with a copy of this court within a period of one week from the date of receipt of a copy of this order. On submitting such representation, the respondents 2 and 3 are directed to consider the same by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, with regard to renewal of recognition granted to the Matriculation Schools covered under G.O.Ms.No.135 School Education Department dated 18.08.2015 till 31.05.2016, within a period of four weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 2 and 3 to pass appropriate orders purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.
- 3.The Joint Director of Matriculation Schools,
Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.

+1cc to Mr.G. Sankaran, Advocate, S.R.No.24003
+1cc to the Government Pleader, S.R.No.24168

MPI(CO)
EU(11/05/2016)

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W.P.No.14139 of 2016

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