

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.14978 of 2016

Periyasaamy Aided Middle School,
rep. by its correspondent/Secretary,
G.Kalavathi,
Mettur Main Road,
Ammamet - 638 311,
Bhavani Taluk,
Erode District. ... Petitioner

Vs.

1. The Joint Director of School Education,
College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Old Railway Station Road,
Erode,
Erode District.
3. The District Educational Officer,
Gobichettipalayam,
Erode District.
4. The District Elementary Educational Officer,
Erode,
Erode District.

सत्यमेव जयते .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to grant an order for upgradation of the petitioner Middle School as a High School by considering its application dated 25.03.2015 made in Na.Ka.No.179/A1/2015 forthwith.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr. V.Jayaprakash Narayanan,
Spl. Government Pleader.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the first respondent to grant an order for upgradation of the petitioner Middle School as a High School by considering its application dated 25.03.2015 made in Na.Ka.No.179/A1/2015 forthwith.

3. The petitioner school was established on 31.05.1936 for the purpose of imparting education at elementary school level to the rural children, who were in need of basic education and the school is running for the past 80 years. The petitioner school has earned a good reputation in that locality. The petitioner school is functioning after obtaining necessary approvals and permissions from all the concerned authorities. The permission has been periodically renewed from time to time. The petitioner school is the first Government Aided Middle School in Erode District and imparting education to the needy and poor people, who are from the rural areas. There are around 213 students studying in the middle school and the school is maintaining required strength of teachers as per the teacher-pupil ratio prescribed by the Government from time to time. The petitioner made all arrangements for upgradation of middle school into high school and submitted an application, dated 25.03.2015 to the first respondent through the respondents 2 and 3. The first respondent is the competent authority to upgrade an existing middle school to high school as per the provisions of the Tamilnadu Recognized Private Schools (Regulation) Rules, 1974. The petitioner submitted an application in form I and I-A, dated 25.03.2015 along with a copy of the constitution of the education agency and a chalan for remittance of the fees prescribed under Rule 4(2) to the respondents and also paid necessary fees in respect of the application to upgrade petitioner middle school into high school and the said application dated 25.03.2015 made in Na.Ka.No.21/A1/2015 has been forwarded to the respondents 2 and 3 for necessary action. The first respondent is an competent authority to grant permission to upgrade an existing middle school to high school subject to the compliance of certain conditions. The petitioner complied with all that conditions stipulated under Rule 6 of the Tamilnadu Private Schools (Regulation) Rules, 1974. When the petitioner application dated 25.03.2015 is in compliance with the said rule, the respondents 2 and 3 shall forward its application to the first respondent, who shall grant permission

within four months from the date of receipt of the application. But, the respondents 2 and 3 have not forwarded petitioner school application to the first respondent.

4. On 12.05.2015, the third respondent has sent a letter in Na.Ka.No.1549/A3/2015 seeking to rectify some defects which has been noted at the time of inspection. All the clarifications sought for by the third respondent have been rectified and the petitioner have submitted a compliance report along with its explanation dated 20.05.2015. Further clarifications sought for by the third respondent has also been complied with on 27.08.2015. However, its application is pending before the respondents for the past 11 months. Hence, the petitioner has come forward with the present writ petition.

5. Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the first respondent to consider the application of the petitioner dated 25.03.2015 made in Na.Ka.No.179/A1/2015 with regard to grant an order for upgradation of the petitioner Middle School as a High School and pass an appropriate order, within a period of four weeks from the date of receipt of a copy of this order. The third respondent is directed to publish the result of the 9th standard.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Joint Director of School Education,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Old Railway Station Road,
Erode,
Erode District.

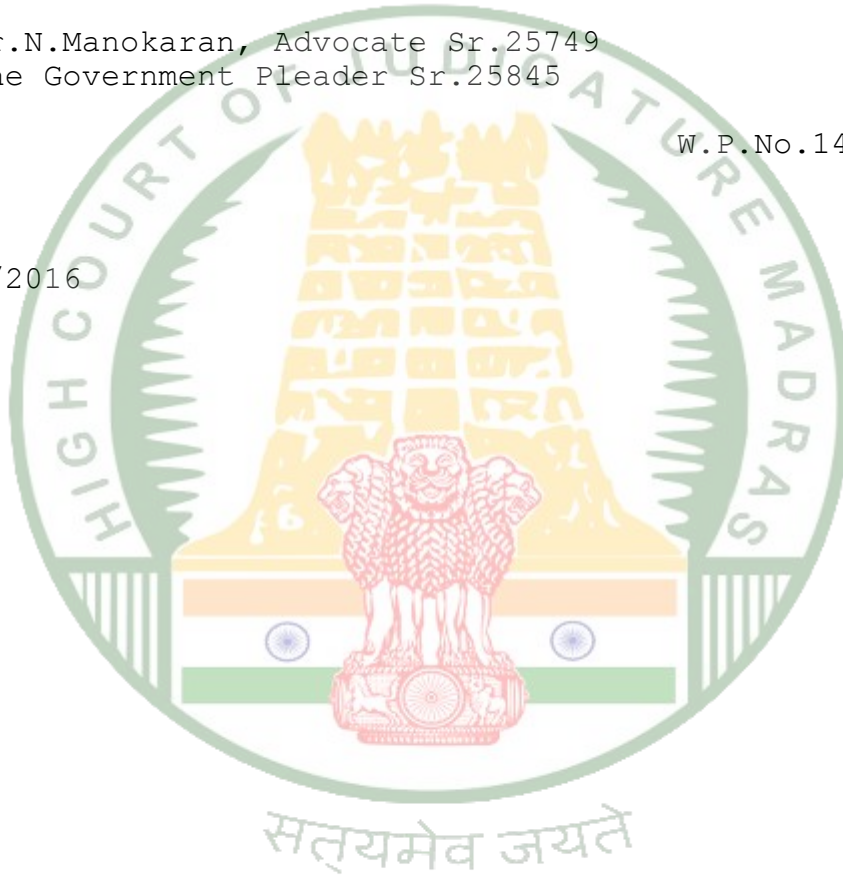
3. The District Educational Officer,
Gobichettipalayam,
Erode District.

4. The District Elementary Educational Officer,
Erode,
Erode District.

+lcc to Mr.N.Manokaran, Advocate Sr.25749
+lcc to the Government Pleader Sr.25845

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srg 29/04/2016



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