

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.39335 of 2015

S.A.V.Balakrishna School,
Vadakkankulam,
Tirunelveli District-627 116.
Rep., by its Correspondent
M.Thivakaran,
S/o Manilal Nadar

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first respondent to pass orders on the application re-submitted by the petitioner school on 06.11.2015 and to issue No Objection Certificate and formal Recognition to the petitioner School for the purpose of availing affiliation from Central Board of Secondary Education, without insisting plan approval from Director of Town and Country Planning as directed in the orders passed in W.P.(MD) No.20329 of 2014 dated 06.04.2015, within a time frame to be fixed by this Court.

For Petitioner .. Mr.G.Sankaran

For Respondents .. Mrs.P.Rajalakshmi,
Government Advocate

ORDER

The petitioner school has been established by the Manilal Nadar Educational and Charitable Trust in the year 2014-1015 by adopting CBSE syllabus with Standards LKG to VIII. For the

purpose of obtaining affiliation from Central Board of Secondary Education(CBSC), the petitioner school has made an application to the second respondent seeking No Objection Certificate based upon the order passed in W.P.No.20329 of 2014 dated 06.04.2015 and the order passed in the Contempt Petition No.1391 of 2015 dated 30.11.2015. As the second respondent has not considered the same, the petitioner has filed W.P.(MD) No.13031 of 2015 before the Madurai Bench of Madras High Court. The said writ petition was disposed of by an order dated 27.06.2015 directing the respondents to consider the representation of the petitioner dated 08.07.2015 in the light of the decisions of this Court dated 06.04.2015, if the same is applicable to the petitioner school and pass appropriate orders in accordance with law, after affording an opportunity of being heard. As the second respondent has not complied with the order passed on 27.06.2015 by providing personal hearing to the petitioner school before issuing communication dated 29.09.2015, the petitioner school has forwarded the proposal once again on 06.11.2015 by reporting compliance of the deficiencies as noted in the proceedings dated 29.09.2015. As the same is pending consideration, the petitioner has filed the above writ petition.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Taking into consideration the pendency of the application made by the petitioner, without going into the merits of the case, the second respondent is directed to consider and pass orders on the application of the petitioner dated 06.11.2015, by considering the scope and applicability of the order passed in W.P.No.20329 of 2014 dated 06.04.2015 and the order passed in the Contempt Petition No.1391 of 2015 dated 30.11.201, within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CSIV)

True Copy

Sub-Assistant Registrar

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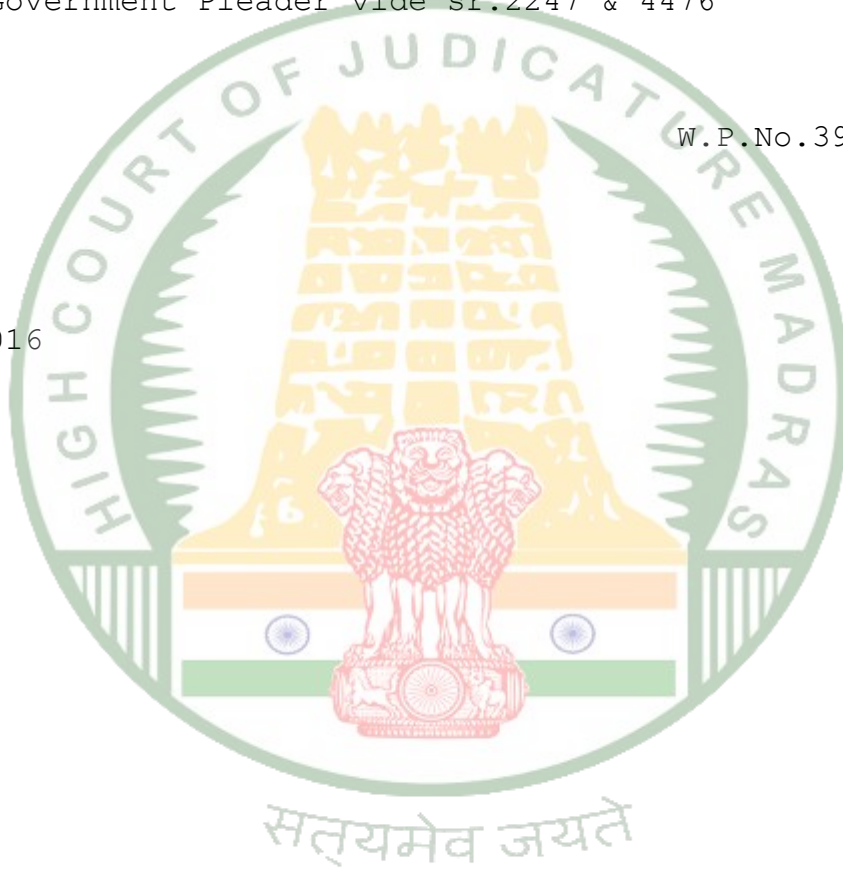
1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

+1 cc to Mr.G.Sankaran Advocate sr.4759
+2 cc to Government Pleader vide sr.2247 & 4476

W.P.No.39335 of 2015

gj(co)
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