

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2016

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23925 of 2016
and W.M.P.No.20499 of 2016

Annai Violet International School,
Rep. By its Correspondent,
Mr.N.R.Dhanapalan,
(Unit of Anna Anadhai Illam)

... Petitioner

Vs.

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

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the first respondent
to consider and grant No Objection Certificate for running the petitioner
school under name and style of Annai Violet International School Redhills
Road, Pudur, Ambattur, Chennai - 600 53 within the time frame fixed by
this Court in order to get affiliation from C.B.S.E. Board.

For Petitioner : Mr.R.Muthuswamy,
Senior Counsel assisted by
Mr.S.P.Elango.

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.

ORDER

The petitioner would state that Anna Anadhai Illam, which is a registered society under the Societies Registration Act, having Registration No.140/1971. The petitioner school is a unit of said society and it is running the institution in a specific demarcated land to an extent of 75 cents out of larger extent of land situated in S.No.122/6 part in Oragadam Village, Ambattur Taluk, Tiruvallur District. According to the petitioner, even as per G.O.Ms.No.3804, Revenue Department dated 28.06.1973, there is no legal impediment to enable the said trust to carry on/expedite its activity through its sister unit. It is further stated by the petitioner that the said society is decided to start a school with Central Board of Secondary Education Curricula. The petitioner had established the present school which is conducting classes pre-KG to VII Std. as per C.B.S.E norms and its commenced its operation on 17.06.2013 from the academic year 2013-2014 and more than 400 students are studying in the said school. The petitioner would further state that patta granted in favour of the society was cancelled on 04.10.2013 and challenging the same, an appeal was filed

before the District Revenue Officer, Thiruvallur District and it was allowed on 18.07.2014 and the file is being moved for fixation of market value of the land and regularisation of the land. It is further stated by the petitioner that the petitioner has submitted a proposal/representation dated 26.06.2013 to the first respondent through the second respondent for getting No Objection Certificate for running the said school under C.B.S.E. Curricula along with necessary documents and since no response is forthcoming, sent a reminder dated 27.02.2014 to the first respondent requesting them to accord No Objection Certificate and some clarifications were also sought for by the second respondent, vide proceedings dated 28.03.2016 in Na.Ka.No.1826/A3/2013 and it was also clarified in the form of representation dated 29.03.2016. The grievance expressed by the petitioner is that despite complying with all the procedural formalities, the application submitted by the petitioner dated 26.02.2016 has not been processed and hence, came forward to file this Writ Petition.

2. Heard the submissions of Mr.R.Muthukumaraswamy, learned Senior Counsel assisted by Mr.S.P.Elango, learned counsel appearing for the petitioner would submit that since all the procedural formalities in accordance with the relevant norms and regulations have been scrupulously complied with, there cannot be any impediment on the part of the first respondent to grant No Objection Certificate to enable the petitioner

school to run the institution by importing education as per C.B.S.E. Norms and prays for appropriate orders.

3. Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader, on instructions, would submit that the second respondent vide proceedings dated 28.03.2016 sought for certain clarifications and though in response to the same, the petitioner has submitted a reply dated 29.03.2016 and unless all procedural formalities have been complied, necessary proposal may not be sent to the first respondent for processing the application submitted by the petitioner.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the application submitted by the petitioner for grant of No Objection Certificate for running the School under C.B.S.E. Curricula and also the points put forth in the writ petition, directs the first respondent to process the application dated 26.02.2016 submitted by the petitioner, if the papers are otherwise in order and pass orders in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes/No

23.08.2016

Internet : Yes

vsm

Note: Registry is directed to mark a copy of this order
to the Regional Director of Central Board
Secondary Education, Block No.1630-A,
J-Block, 16th Main Road, Anna Nagar West,
Chennai - 40.

To

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

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

M.SATHYANARAYANAN.J.,

vsm

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