

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17239 of 2013

and

M.P.Nos.1 to 3 of 2013

Care Nursery & Primary School,
No.2, Gudalur Kavundampalayam,
UIT College Road,
Perianaickenpalayam,
Coimbatore 641 020, represented
by its Correspondent,
N.Priyadarshini.

...Petitioner

/vs/

1.State of Tamil Nadu,
Represented by its Commissioner and Secretary,
Elementary Education Department,
Secretariat, Chennai 600 009.

2.The Directory of Elementary Education,
College Road, Chennai 600 006.

3.The District Elementary Educational Officer,
Coimbatore.

4.The Assistant Elementary Educational Officer,
Periyanaicken Palayam, Coimbatore 641 020.

...Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the respondents, relating to the order of the 3rd respondent in Ref.Na.Ka.No.5118/A4/2013, dated 08.06.2013, ordering forcible closure of our institution "CARE FOUNDATION" at 2, Gudalur, Kavundampalayam, UIT College Road, Perianaickenpalayam in Coimbatore City and quash the same and forbearing the respondents from invoking provisions of Section 18(1) of the Act against the petitioner.

For Petitioner : Mr.P.S.Chandra Gupthan
For Respondents : Mrs.M.E. Raniselvam,
Additional Govt. Pleader

O R D E R

The petitioner's school was directed to be closed, as there was no approval under The Right of Children to Free and Compulsory Education Act, 2009, by an order dated 08.06.2013, which is under challenge in this present writ petition.

2. Pending disposal of the writ petition, a new Code of Regulations for Play Schools -2015 came into force from 22.12.2015. This Court had on an earlier occasion, passed orders in similar matters in W.P.Nos.17272 to 17273 of 2013, dated 25.11.2016. The said order reads as follows:

"Pending disposal of the writ petitions, the Code of Regulations for the Code of Play Schools-2015 came into force on 22.12.2015, which provides for approval of existing place of new School under the new Code. Since the children are studying in the petitioners' schools for 1 ½ years and above, the new Code will be applicable to that effect. As such, the appropriate Authority for grant of approval under the Code of Play Schools-2015 is the third respondent."

3. The above order is squarely applicable to the facts of present case of the petitioner. In view of the same, the petitioner is granted liberty to make an application, within a period of one month from the date of receipt of a copy of this order under the Regulations 6(a) of the Code of Regulations for Play Schools-2015 and on receipt of such application, the 3rd respondent shall consider the same on its own merits, as per the requirements prescribed under the Code of Regulations for Play Schools-2015 and pass orders on the same within a period of three months from the date of receipt of the application. While passing the order on the petitioner's application, the respondents are directed not to rely upon the limitation prescribed under Regulation 6(a) of the Code of Regulations for

Play Schools Act.

4. With the above observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner and Secretary,
State of Tamil Nadu,
Elementary Education Department,
Secretariat, Chennai 600 009.

2.The Directory of Elementary Education,
College Road, Chennai 600 006.

3.The District Elementary Educational Officer,
Coimbatore.

4.The Assistant Elementary Educational Officer,
Periyanaicken Palayam,
Coimbatore 641 020.

+1cc to M/s. Punniyakotti, Advocate, S.R.No. 64392

+1cc to the Government Pleader, S.R.No. 69632

RSK (CO)
PSI (28/12/2016)

W.P.No.17239 of 2013