

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.17272 and 17273 of 2013
and
M.P.Nos.1,1 and 2,2 of 2013

Modern Secular Nursery & Primary School,
Rep.by its Founder-Principal K.Ilango,
Pandoor Village, Kanniyakkam Post,
Guduvancherry (via),
Chengelpattu Taluk,
Kancheepuram District. ...Petitioner in W.P.No.17272 of 2013

Sri Usha Nursery & Primary School,
rep.by its Correspondent,
R.Bhagavathiappan Pillai,
No.102 & 103, Dharani Square,
Peramanur,
Kancheepuram District. ...Petitioner in W.P.No.17273 of 2013

/vs/

1.The Director of School Education
(Nursery & Primary Schools)
D.P.I. Compound,
College Road, Nungambakkam,
Chennai 600 006.

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

3.The District Elementary Education Officer,
Kancheepuram District,
Kancheepuram.Respondents in both WPs

Prayer in W.P.No.17272 of 2013:

Writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 3rd respondent to grant approval to the petitioner's school namely, MODERN SECULAR NURSERY 7 PRIMARY SCHOOL Pandoor Village, Kannivakkam Post, Guduvancherry (via), Chengelpattu Taluk, Kancheepuram District without insisting for Form "D" regarding ownership of land and Building.

Prayer in W.P.No.17273 of 2013:

Writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 3rd respondent to send proposal for approval and thereby direct the 2nd respondent to grant approval to the petitioner's school namely, "Sri Usha Nursery & Primary School, No.102 &103 Dharani Square, Peramanur, Kancheepuram District.

For Petitioner : Mr.K.J.Parthasarathy(in both WPs)

For Respondents : Mrs.M.E. Raniselvam,
Additional Govt. Pleader
(in both WPs)

C O M M O N O R D E R

The petitioners have sought for direction to the 3rd respondent to grant approval to the petitioners' Schools viz., Modern Nursery and Primary School and Sri Usha Nursery and Primary School, without insisting Form "D" regarding ownership of the land.

2. Pending disposal of these writ petitions, the Code of Regulation for 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 1½ 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 Regulations for Play Schools-2015 is the third respondent.

3. In view of the same, the petitioners are granted liberty to make the applications before the 3rd respondent, 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 applications, 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 applications.

With the above observations, these writ petitions are 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 Director of School Education
(Nursery & Primary Schools)
D.P.I. Compound,
College Road, Nungambakkam,
Chennai 600 006.

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

3.The District Elementary Education Officer,
Kancheepuram District, Kancheepuram.

+1cc to Mr.K.J.Parthasarathy, Advocate, S.R.No. 69384

+1cc to the Government Pleader, S.R.No. 69635

W.P.Nos.17272 in 17273 of 2013

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