

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28663 of 2016

and WMP.No.24736 of 2016

A.Velliyangiri
Correspondent,
Sri Giri Vidhyalaya International School,
No.10/527. Doddampalayam,
Bhavanisagar,
Erode. .. Petitioner

vs.

- 1.The Director,
Central Board of Secondary Education,
Egmore,
Chennai-600 008.
- 2.The Director,
School Education Department,
D.P.I - Complex, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Erode. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to passing of impugned order having reference Na.Ka.En: 2383/Aa4/2016 dated 5.8.2016 on the file of the third respondent and quash the same and consequently direct the 2nd respondent to consider the petitioner's applications dated 17.12.2014 along with his clarification letters dated 27.06.2016 and 11.08.2016.

For Petitioner : M/s.R.Thirumoorthy

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state among other things that the school, namely Giri Vidhyalaya International School has been established by Annamalaiyar Educational Trust in the year 2014 by adopting Central Board of Secondary Education (CBSE) syllabus with standards Pre-Kg to VIII standard and in this regard, the petitioner also submitted an application to the second respondent on 17.12.2014 for grant of recognition and by way of interim arrangement, admitted 70 students for classes Pre-Kg to VIII standard. The grievance expressed by the petitioner is that vide impugned order dated 05.08.2016, the third respondent directed closure of the petitioner school and also with a further direction to admit students in the nearby institutions and challenging the legality of the same, the petitioner came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that the application is kept pending for two years and by way of interim arrangement, the petitioner school admitted 70 students in various classes/standards and it is having all necessary infrastructure facilities and therefore, prays for appropriate orders.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents and would submit that even as per the own admission of the petitioner, students have been admitted without any recognition or permission and taking into consideration the safety and welfare of the students, the third respondent has rightly passed the impugned order and prays for dismissal of this writ petition.

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

6. A perusal of the materials placed before this Court would disclose that the petitioner has submitted an application seeking necessary permission to start the school with CBSE syllabus and the said application is pending and in the interregnum, the petitioner school had admitted 70 students from Pre-Kg to VIII standard. It is a well settled position of law that without any recognition or permission, students cannot be admitted in an educational institution and therefore, the interim relief sought for by the petitioner, pending disposal of the application, in the considered opinion of the Court, cannot be granted. However, taking into consideration the other facts and circumstances, this Court directs the second respondent to consider and dispose of the petitioner's application dated

17.12.2014 in accordance with law, if the papers are otherwise in order and pass orders 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.

7. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm
To

1.The Director,
Central Board of Secondary Education,
Egmore, Chennai-600 008.

2.The Director,
School Education Department,
D.P.I - Complex, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Erode.

+1 cc to Government pleader sr 46800

+1 cc to Mr.R.Thirumoorthy Advocate sr 46632

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