

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.35077 of 2016

and

W.M.P.No.30231 of 2016

Magakavi Vidhyalaya Nursery &
Primary School
Rep. by its Correspondent, V.Mani
4, Indira Nagar 2nd Street,
Murungampalayam,
Avinashi Road,
Tirupur 641 602. Petitioner

Versus

1. Principal Secretary,
Department of Education,
St. George Fort,
Chennai - 600 009.
2. The Director,
Directorate of Tamilnadu
Elementary Education,
DPI Campus,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Office of C.E.O., Collectorate Campus,
Palladam Road, Tirupur - 641 604.
4. The District Elementary Educational Officer,
Office of D.E.E.O., Collectorate Campus,
Palladam Road, Tirupur - 641 604.
5. The Assistant Elementary Educational
Officer (Nursery)
Office of D.E.E.O., Collectorate Campus,
Palladam Road, Tirupur - 641 604.
6. The Assistant Elementary Educational Officer,
Office of A.E.E.O, Tirupur North Circle,
Kumaran Road, Tirupur - 641 601.

7. The District Collector,
Tirupur District, Collectorate,
Palladam Road, Tirupur - 641 604.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the concerned records relating to the closure order dated 08.08.2016 passed by the third respondent bearing Na.Ka.No.2696/A4/2016, and to quash the closure order dated 08.08.2016 passed by the third respondent bearing Na.Ka.No.2696/A4/2016, as being illegal arbitrary, Malafide and without jurisdiction and consequently, direct the fourth respondent to process the petitioner's pending renewal applications in the name and style of Maghakavi Vidyalaya Nursery & Primary School and grant renewal of recognition to the petitioner school for continuing Nursery & Primary School.

For Petitioner : Mr.S.Anand
For R1 to R6 : Mr.O.R.Maheswaran,
Government Advocate
For R7 : Mr.A.Kumar,
Special Govt. Pleader

ORDER

The present writ petition has been filed by the petitioner challenging the impugned order dated 08.08.2016 issued by the third respondent, ordering them to close down the school, as there was no basic amenities provided therein as per the regulations issued by Government.

2. It is the contention of the learned counsel for the petitioner that the petitioner school was under the bona fide impression that since they had made an application for approval, four years ago to the fourth respondent and in spite of the same, it was not considered, they were under the impression that approval has been granted and it is deemed approval, and hence, the petitioner school continued to run. While so, all of a sudden, the third respondent passed the impugned order dated 08.08.2016, in and by which, the petitioner school was asked to close down the school on the ground that there was no basic amenities provided thereof as per the regulations issued by the Government. Challenging the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for respondents 1 to 6 and the learned Special Government Pleader appearing for the seventh respondent.

4. From a reading of the impugned order itself, it is seen that the petitioner school was issued with a show cause notice thrice, however, the petitioner has not taken any steps to get approval from the respondents. Secondly, when the inspection was made by the authority concerned, very serious lapses have been found, namely, (i) affiliation has been obtained till 2012, (ii) the building got leased for 10 years instead of 30 years, (iii) the cement roof alone was provided, instead of concrete roof, (iv) there is no sufficient water or Toilet facilities besides that there is no play ground in the School (v) there was no renewal of fire service certificate and certificate relating to structural soundness of the building (vi) there is no ventilation provided in the class room and there is no appointment of efficient teachers. Furthermore, as per the recommendation of Justice K. Sampath Committee, when a Primary School has not obtained necessary approval and permission, the school cannot be allowed to continue to run. In view of the same, I do not find any error in the impugned order passed by the third respondent. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- सत्यमेव जयते
1. The Principal Secretary,
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St. George Fort,
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 2. The Director,
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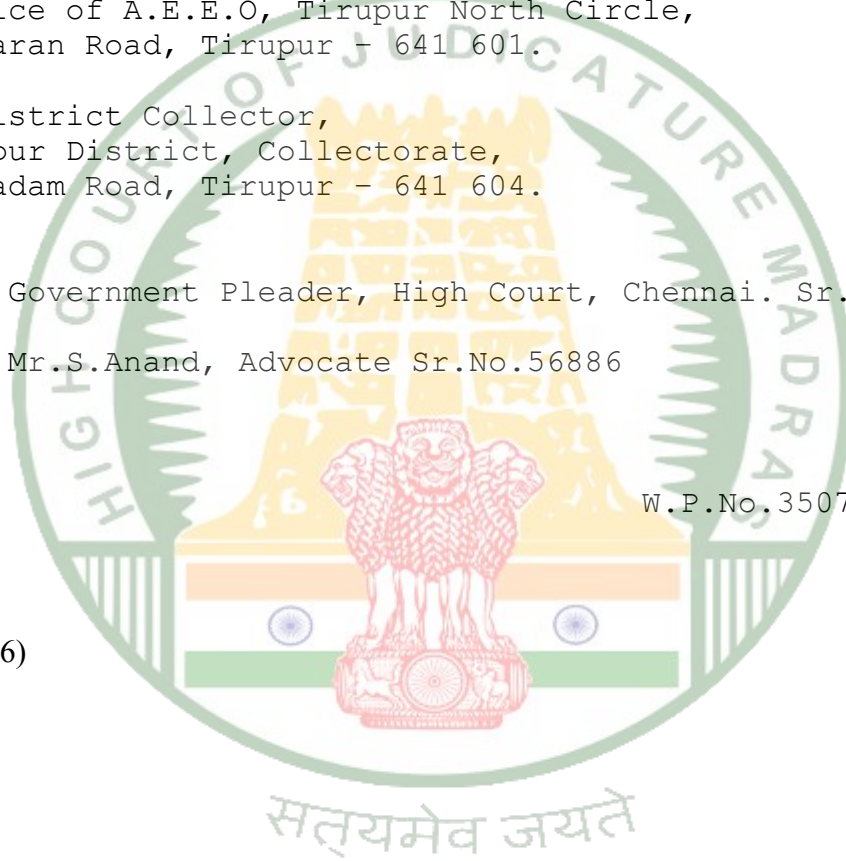
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+1 CC to Government Pleader, High Court, Chennai. Sr.No.57225.

+1 CC to Mr.S.Anand, Advocate Sr.No.56886

W.P.No.35077 of 2016

KK(CO)
vs(16.11.2016)



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