

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6208 of 2016

Blessings International School,
Blessings Nagar, Keerapakkam,
Thirukalukundram, Kancheepuram Dt.
Tamil Nadu-603 109
Rep.by its Chairman,
E.Thomas Jayapaul,
S/o.Shri.M.Edward Nadar ... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Central Board of Secondary Education,
Shiksha Kendra,
No.2, Community Centre,
Preet Vihar, New Delhi-110 301. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the Respondents 1 and 2 to pass appropriate orders for granting formal prior recognition and No Objection Certificate to the petitioner School for getting Affiliation from Central Board of Secondary Education based on the proposal submitted by the petitioner School dated 11.08.2014 and further proposal dated 31.12.2014 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to pass appropriate orders with regard to grant of formal prior recognition and No Objection Certificate to the petitioner School so as to enable them to get Affiliation from Central Board of Secondary Education, based on the proposal submitted by the petitioner School dated 11.08.2014 and further proposal dated 31.12.2014 within a time frame to be fixed by this Court.

2. The case of the petitioner is that the petitioner school has been established with an object to impart quality education to the general public, particularly, people belonging to rural poor and down trodden people belonging to Christianity. They made an application to the Director of School Education, Chennai on 31.10.2013, for grant of recognition, with further request to issue no objection certificate, in order to get affiliation from the Central Board of Secondary Education (CBSE). The petitioner also submitted an application dated 30.06.2014 to the third respondent- CBSE for affiliation. While so, the Chief Educational Officer, Kanchipuram in his proceedings in L.Dis.No.8347/B5/2013 dated 09.07.2014, raised certain queries, which were duly complied with by the petitioner vide proposal dated 11.08.2014 and further proposal dated 31.12.2014. However, till date, no order has been passed by the State Government. In the mean time, the petitioner's application seeking affiliation from CBSE was returned by the proceedings of the third respondent dated 12.01.2016 for compliance of certain requirements, including the production of 'no objection certificate' from the State Education Department, which is the legal requirement for getting affiliation, as per the by-laws of CBSE. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents 1 and 2.

4. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the petitioner's application dated 31.10.2013, in the light of the particulars submitted by the petitioner to the Chief Educational Officer, Kanchipuram through their proposal dated 11.08.2014 and further proposal dated 31.12.2014 and pass appropriate orders, with regard to grant of recognition and issuance of no objection certificate to the petitioner. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance

with law, after affording an opportunity of personal hearing to the petitioner. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Central Board of Secondary Education,
Shiksha Kendra,
No.2, Community Centre,
Preet Vihar, New Delhi-110 301.
- 4.The Chief Educational Officer,
kanchipuram.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.13020
+1cc to the Government Pleader, S.R.No.13244

Writ Petition No.6208 of 2016

jsv(CO)
srg(09/03/2016)