



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10272 of 2016
and
WM.P(MD).Nos.8026 to 8028 of 2016

ASHRAM Higher Secondary School,
Manavadi Village,
Karur District.
Rep. By its Correspondent/Secretary
Mr.N.Karunakaran.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-6.

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

3.The District Educational Officer,
Karur, Karur District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling the records relating to the proceedings of the 2nd Respondent dated 4.5.2016 in withholding the 11th Standard results of Students in Commerce Group English Medium of the Petitioner School and quash the same and consequently direct the respondents 1 and 2 to grant permission to run commerce Group English medium in the Petitioner's school.

For Petitioner :Mr.Murali for
Mr.K.Govindarajan

For Respondent :Mr.V.Muruganandham
Additional Govt. Pleader

O R D E R

Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

2. By consent, the main writ petition itself is taken up for final disposal.



3. The petitioner/School is owned by a registered Charitable Trust namely 'Ashram Education and Charitable Trust', which was formed by a registered trust deed dated 30.12.2000 and later, the trust deed was amended by means of amendment deed dated 31.03.2015. Admittedly, the trust alone made an application and obtained permission for running of the school. The plea of the petitioner is that although, the school is running effectively in academics, the respondents are delaying the issuance of granting recognition to the school and instead, on every occasion, the recognition was granted with retrospective effect by the concerned parties after delay. As aforesaid, the first respondent/Director of School Education, Chennai, granted permission till November 2013 through proceedings dated 16.12.2013 in respect of Higher Secondary Classes and the 2nd respondent/Chief Educational Officer, Karur, granted permission upto 2013 through proceedings dated 01.12.2010 for standards 6 to 10.

4. It comes to be known that the petitioner/School was approved as self Finance Higher Secondary School by the 1st respondent through proceedings dated 22.07.2002. Later, on 07.11.2002, the first respondent/Director of School Education, Chennai, permitted to commence three groups viz., Biology, Computer Science and Commerce in Tamil medium. Thereafter, on 18.12.2003, the first respondent/Director of School Education, Chennai, permitted the school to run Biology and Computer Science groups in English medium. For all these years, students were admitted in the aforesaid groups in Tamil and English medium and they attended the public examinations.

5. On 30.06.2014, the petitioner made an application for Commerce Group in English medium with necessary fees and that the said application was forwarded by the second respondent to the first respondent on 17.07.2014 itself, after satisfying the requirements. It is to be noted that a request for any new course is to be made only after admitting the students in the said group and the same is evidenced from the application format, which requires mentioning number of students studying in the new proposed group "Commerce Group". In reality 'Commerce Group Tamil medium' is functioning from November 2002 and hence, the English medium in Commerce Group is to be considered favourably only. However, the first respondent delayed the formal approval, but allowed the petitioner/school to admit the students from the academic year 2014-15 onwards. In 2014-15, in Commerce Group-English medium, 8 students were admitted in 11th standard and they pursued their 12th standard in 2015-16. They attended the public examinations and successfully passed and obtained Mark Statements.



6. During the year 2015-16, 12 students were admitted in 11th standard Commerce Group-English Medium and completed their academic year. For 11th standards, District wise common exams are conducted by the 2nd respondent and while publishing the results, the second respondent/Chief Education Officer, Karur, withhold the results of the Commerce Group-English Medium on the ground that the same was not approved by the Director of School Education, Chennai. But, the second respondent failed to consider that the first respondent/Director of School Education, Chennai had allowed the 12th standard in Commerce Group-English Medium for 2015-16 and the students had successfully passed out also.

7. The Learned Counsel for the Petitioner fairly submits that the petitioner/school would be satisfied if a direction is issued by this Court to the first respondent/Director of School Education, Chennai to consider the application of the petitioner to start Commerce Group English Medium within a time frame to be determined by this Court.

8. In view of the fact that the application of the petitioner/School dated 30.06.2014 seeking for 'Commerce Group in English Medium' is pending for consideration at the hands of the first respondent/Director of School Education, Chennai and added further, the reminder dated 07.09.2015, issued by the petitioner/school is also pending as on date, at this stage, this Court, without expressing any opinion on the merits of the matter and also not traversing upon the contents of the application dated 30.06.2014, submitted by the petitioner, directs the first respondent/Director of School Education, Chennai, to immediately take up the application of the petitioner/school dated 30.06.2014 in all earnestness and seriousness, within a period of one week from the date of receipt of a copy of this order. Thereafter, the first respondent is to pass necessary speaking, reasoned orders by assigning necessary, qualitative and quantitative reasoning in a free, fair and indispasionate manner, within a period of three weeks thereafter. The first respondent/Director of School Education, Chennai, shall provide adequate opportunity to the petitioner/school, by adhering to the principles of natural Justice, at the time of disposal of the application of the petitioner, dated 30.06.2014 and the subsequent reminder issued by the school. Liberty is granted to the petitioner/school to submit other relevant documents/necessary documents, which the first respondent may require from the petitioner/school and if the first respondent/ Director of School Education, Chennai makes a claim in this regard, the petitioner/school is to comply with the same by producing necessary xerox copy or true copy thereof so as to enable the first respondent to dispose of the application of the petitioner dated 30.06.2014 and the reminder issued thereon within the time frame directed by this Court.



9. With the aforesaid observations and directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS)

To

1.The Director of School Education,
College Road, Chennai-6.

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

3.The District Educational Officer,
Karur, Karur District.

+1cc to Mr.K.Govindarajan, Advocate, Sr.No.29881

+1cc to the Special Government Pleader, Sr.No.29755

VS

JM/KBM/17.06.2016/4P-6C

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