



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10280 of 2016
and
WM.P(MD).Nos.8030 and 8031 of 2016

Ponniyah Ramajayam Institute of Science
and Technology Trust,
rep. By its Managing Trustee,
Mr.P.Murugesan,
35 & 36, 2nd street, Natarajapuram North,
Thanjavur 613 007,
Tamil Nadu.

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Thanjavur, Thanjavur District.
4. The Central Board of Secondary Education,
rep. By its Secretary,
Shikshan Kendra II Community Centre,
Preeth Nihar, New Delhi.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.86237/G1/E1/2015 dated 06.04.2016 and quash the same as illegal and consequently direct the respondents to accord No Objection Certificate for establishing a CBSE School in the name and style of "Ponnaiyah Ramajayam Public School" at Thanjavur, Tamil Nadu considering the application dated 30.09.2013 along with the representation dated 13.10.2014 within the time that may be stipulated by this Court.



For Petitioner

:Mr.Mareeskumar for
M/s.Ajmal Associates

For Respondent

:Mr.V.Muruganandham
Additional Govt. Pleader
for RR- 1 to 3

Mr.G.R.Swaminathan for R- 4

O R D E R

Heard both sides.

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

3. According to the petitioner/trust, it is running enormous educational institutions in the State of Tamil Nadu and also having a deemed University in the name and style of Ponnaiyah Ramajayam Institute of Science and Technology (PRIST University) and also running Engineering Colleges, Arts and Science Colleges and Schools in Tamil Nadu.

4. The stand of the petitioner is that in the year 2013, he decided to establish new Central Board of Secondary Education Pattern School (CBSE) from the academic year 2014-15 and proposed to establish a School at Yagappa Chavadi, Pattukottai Road, Thanjavur. In this regard, the petitioner submitted necessary application before the fourth respondent/CBSE, New Delhi. After receipt of the application from the petitioner, the fourth respondent informed that a 'No Objection Certificate' to start CBSE School from the first respondent is necessary and requested to obtain No Objection Certificate from the first respondent/State of Tamil Nadu.

5. The petitioner made an application before the first respondent/State of Tamil Nadu on 19.08.2013 seeking 'No Objection Certificate' and enclosed all the necessary certificates. Also, he sent a communication to the first respondent on 30.09.2013 requesting for the grant of 'No Objection Certificate' and once again, it renewed its request on 13.10.2014 and (without any response) the matter is pending before the first respondent.

6. In the meanwhile, the fourth respondent/CBSE, New Delhi made an arrangement for inspection of the petitioner's school and constituted an inspection committee for granting composite provisional approval and the inspection committee also inspected the petitioner's premises and reported some deficiencies, which was also later rectified. After rectifying the deficiencies/defects, once again, the fourth respondent/CBSE



on 19.01.2015 sent another communication mentioning that the petitioner should obtain 'No Objection Certificate' for at least to VIII standard and also to produce an affidavit duly supported with an evidence to the effect that they had intimated the State Government. Accordingly, the petitioner filed an affidavit informing the 4th respondent/CBSE, New Delhi about the submission of application for grant of No Objection Certificate right from the year 2013. However, without satisfying the petitioner's request, the fourth respondent by an order dated 22.05.2015 rejected the petitioner's application on the ground that they have not furnished No Objection Certificate from the concerned State department, which is a precondition for approval of the 4th respondent.

7. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that the petitioner/trust now has complied with all the infrastructural facilities and that the fourth respondent/CBSE, New Delhi is fully satisfied with all other requirements necessary for establishment of CBSE School except for obtaining a No Objection Certificate from the first respondent.

8. The grievance of the petitioner/trust is that in spite of various representations, the first respondent/State of Tamil Nadu has not considered the application of the petitioner and therefore, the petitioner was performed to file W.P.(MD).No.10993 of 2015 before this Court and on 02.07.2015, this Court had disposed of the said writ petition by directing the first respondent to pass orders on the application dated 30.09.2013 on merits and in accordance with Law, within a period of 8 weeks from the date of receipt of copy of the order. Later, a Contempt Petition (MD).No.467 of 2016 was filed by the petitioner/trust and the same was closed on 06.04.2016, since the Director of School Education, had passed an order on 06.04.2016 inter alia stating that the request of the petitioner would be considered only when the full details/particulars are received by it etc.,

9. It transpires that the petitioner/trust had addressed a communication dated 20.04.2016 to the second respondent/Director of School Education (through speed post), whereby and whereunder, it was stated that all the required information was submitted on 13.01.2015 through the third respondent/Chief Educational Officer, Thanjavur, by way of speed post, which was received and acknowledged by the concerned Office of the Chief Educational Officer. Further, in the reply of the petitioner dated 20.04.2016 addressed to the second respondent, it was also made mention that 'the copy of the acknowledgement of the complete set of required documents are once again submitted' and prayed for issuance of 'No Objection Certificate' in the subject matter in issue.



10. In view of the fact that the petitioner/trust before this Court has come out with a categorical plea through its reply dated 20.04.2016, addressed to the second respondent/Director of School Education, Chennai, inter alia to the effect that all the required information were submitted on 13.01.2015 through the third respondent/Chief Educational Officer, Thanjavur, by way of speed post, once again, the copy of acknowledgement and complete set of required documents were submitted, at this stage, without expressing any opinion on the merits of the matter and also not delving deep into the subject matter in issue, simpliciter, in the interest of Justice, Fair Play, Equity, Good Conscience and even as a matter of Prudence, directs the 1st & 2nd respondents to take into consideration of the reply of the petitioner dated 20.04.2016 with all earnestness and seriousness and to dispose of the same by passing a reasoned, speaking order, within a period of four weeks from the date of receipt of a copy of this order. The respondents 1 & 2 are directed to pass necessary orders in the subject matter in issue in a free, open, unbiased mind and that too in a dispassionate manner (by following the principles of natural Justice in true letter and spirit, by providing enough opportunity to the petitioner and others concerned, if any). It is open to the petitioner to furnish the copy of the acknowledgement and the complete set of required documents before the 1st and 2nd respondents, if it so desires/advised.

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

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai 600 009.
2. The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Thanjavur, Thanjavur District.



4. The Secretary,
Central Board of Secondary Education,
Shikshan Kendra II Community Centre,
Preeth Nihar,
New Delhi.

+1cc to M/s.Ajmal Associates, Sr.No.29699

+1cc to the Special Government Pleader, Sr.No.29756

VS

JM/DB/17.06.2016/5P-7C

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