



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

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CORAM:

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. (MD) No. 10718 of 2016
and
W.M.P. (MD) No. 8306 of 2016

A. Iammanuel Amalraj

... Petitioner

Vs.

1. The Director of Matriculation Schools,
Chennai.
2. The Inspector of Matriculation Schools,
Virudhunagar.
3. The Chief Educational Officer,
Thoothukudi District.
4. The District Elementary Educational Officer,
Thoothukudi District.
5. The Assistant Elementary Educational Officer,
Kayathar,
Thoothukudi District.
6. The Assistant Elementary Educational Officer,
Nursery and Primary Schools,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to grant recognition to the Hilleya Matriculation School, Ayyanaroothu, Kovilpatti Taluk, Thoothukudi District by considering the application dated 09.01.2013.

For Petitioner	:	Mr.V.Paneer Selvam
For Respondents	:	Mr.V.Muruganandam Additional Govt. Pleader

**ORDER**

Heard both sides.

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2. By consent, the main Writ Petition itself is taken up for final disposal.

3. According to the petitioner, he started a school in the year 2009 in the name and style of Hilleya Nursery and Primary School at Ayyanaroothu, Kovilpatti Taluk, Thoothukudi District. The area is a remote one. The concerned authorities after verifying all the documents and the institution, granted recognition to the Hilleya Nursery and Primary School for a period of three years from 01.06.2009 to 31.05.2012. In fact, the third respondent had passed the aforesaid order of granting recognition by means of proceedings dated 30.04.2016 for the aforesaid period. Subsequently, the School Management sent a proposal for renewal. The fourth respondent granted recognition to the petitioner's school by means of proceedings dated 27.01.2014 for the period from 01.06.2012 to 31.05.2015. Once again, the School Management sent a proposal for renewal and the same was granted by the fourth respondent through proceedings dated 30.10.2015 for the period from 01.06.2015 to 31.05.2018.

4. That apart, the stand of the petitioner is that the School Management had decided to upgrade the school as a matriculation school and in order to obtain recognition, the petitioner made proper application enclosing the necessary documents and that the management remitted the charge of Rs.10,000/- towards application fees, Rs.10,000/- as management contribution and Rs.2,500/- as inspection fess on 24.12.2012. Moreover, the Management also applied for building license to the Tahsildar, Kovilpatti and after verification of documents and the buildings, the building license was granted to the Hilleya Nursery and Primary School, by means of proceedings dated 24.12.2012. The petitioner appears to have enclosed all the documents and made an application seeking recognition of Matriculation School before the second respondent on 09.01.2013. Also, the School Management issued a reminder to the second respondent to grant recognition to its Matriculation School. Till today, the second respondent/Inspector of Matriculation School, Virudhunagar has not passed any order on the application submitted by the Management. Further more, the third respondent/Chief Educational Officer, Thoothukudi District sent a notice to close the school and to accommodate the students in the nearby schools by proceedings dated 09.06.2016 and apart from that, the fourth respondent/Chief Educational Officer, Kayathar, Tuticorin District issued another proceedings threatening the



institution about the withdrawal of recognition, without considering the application submitted by the management, by letter dated 08.06.2016.

5. Considering the fact that the petitioner's application dated 09.01.2013 (submitted through Correspondent of the School) is pending before the Inspector of Matriculation School, Virudhunagar District without any disposal till date, this Court, at this stage, in the interest of justice, fair play, equity, as a matter of prudence and also based on good conscience, at this stage, simpliciter, without traversing upon the merits and contents of the representation of the petitioner, dated 09.01.2013, directs the second respondent/Inspector of Matriculation Schools, Virudhunagar to take up the application of the petitioner within a period of one week from the date of receipt of a copy of this order and to dispose of the same, by passing a speaking order on merits in a diligent and dispassionate manner, within a period of four weeks thereafter. It is needless for this Court to point out that the second respondent/ Inspector of Matriculation Schools, Virudhunagar is required to afford enough, adequate opportunity to the petitioner, by adhering to the principles of natural justice, in true letter and spirit at the time of disposal of the representation. It is incumbent on the petitioner to submit necessary records/copies of relevant documents before the second respondent/Inspector of Matriculation Schools, Virudhunagar and on production of the same, the second respondent/Inspector of Matriculation Schools, Virudhunagar is to pass orders within the time determined by this Court. The petitioner is required to lend his assistance and unstinted co-operation to the second respondent/Inspector of Matriculation Schools, Virudhunagar so as to enable him to dispose of the representation, dated 09.01.2013 in a complete and comprehensive manner.

6. With the aforesaid observation and direction, the Writ Petition stands disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1. The Director of Matriculation Schools,
Chennai.

2. The Inspector of Matriculation Schools,
Virudhunagar.

3. The Chief Educational Officer,
Thoothukudi District.

4. The District Elementary Educational Officer,
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5. The Assistant Elementary Educational Officer,
Kayathar,
Thoothukudi District.

6. The Assistant Elementary Educational Officer,
Nursery and Primary Schools,
Thoothukudi.

+ 1 CC TO MR.V.PANNEER SELVAM, ADVOCATE IN SR No. 32165

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 31706

AKV

TE/PEK/ : 30/06/2016 : 4P/9C

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