

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. NO.18015 of 2016
and
W.M.P.No.15809 of 2016

P.D.R.Vellachiammal Matriculation
Higher Secondary School,
Rep by its Secretary and Authorised Signatory,
K.Karthick,
Sekkampatti Village, Harur Taluk,
Dharmapuri District 636 902 ... Petitioner

..Vs..

1. The Director of Matriculation Schools
D.P.I.Campus, College Road,
Chennai 600 006.
2. The Inspector of Matriculation Schools,
Salem Region, Salem ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to forthwith grant permanent recognition to the petitioner-School, namely, P.D.R.Vellachiammal Matriculation Higher Secondary School at Sekkampatti Village, Harur Taluk, Dharmapuri District, without insisting on the production of the building plan approval of the Town and Country and Planning authorities as directed in the order dated 06.04.2015 passed in W.P(MD) No.20329 of 2014 from the academic year 2016-2017.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.V.Anandhamurthy
Additional Government Pleader

O R D E R

This writ petition has been filed seeking for a direction to the respondents to grant permanent recognition to the petitioner-School, without insisting on production of the

building plan approval of the Town and Country and Planning authorities as directed in the order dated 06.04.2015 passed in W.P(MD) No.20329 of 2014 from the academic year 2016-2017.

2. The case of the petitioner is that the petitioner School was established by the Madras Education and Research Integrated Trust in the year 1994 under the recognition of the respondent dated 04.11.1994. Subsequently, temporary recognition was granted to the said School upto 2016. The petitioner-School is running Classes from I to XII Standard and 2,564 students are studying in the said School. The first respondent has renewed the recognition of the petitioner-School for every three years right from 2005 to 2016. Thereafter, the petitioner-School has submitted an application dated 19.06.2014 to the first respondent to grant permanent recognition to them from the academic year 2017-2018. They have also provided all the particulars with regard to the infrastructural and instructional facilities available in the School including the plan approval granted by the Competent Authority of Mobiripatty Panchayat. But, the said application is pending consideration before the first respondent till date. It is further stated that the respondents are insisting on approval from the DTCP to grant permanent recognition to the petitioner-School.

3. The further case of the petitioner is that a Writ Petition came to be filed before the Madurai Bench of this Court in W.P.(MD)No.20329 of 2014, wherein, it is held that the Department cannot insist upon the building plan approval from the Joint Director or Deputy Director of Town and Country Planning. Since the Executive Authority, viz., Panchayat President has approved the building plan, the act of the petitioner cannot be faulted with in any manner, more particularly, it cannot be said that it is against the provisions of law and this Court had directed the respondent therein to grant permanent recognition to the petitioner-School therein. Aggrieved by the same, a Writ Appeal was filed by the Department in W.A.(MD)No.911 of 2015, wherein, the order of the learned single Judge was modified to the effect that the application of the School for recognition should be considered after getting clarification from the concerned Panchayat or Town and Country Planning Authorities. Thereafter, a Contempt Petition was filed in Cont.Pet.(MD).No.1391 of 2015, wherein, it is held that unless and until the Director of Town and Country Planning particularly informs the Director of Matriculation Schools that Rule 25 of the Tamil Nadu Panchayat Buildings Rules, was not followed, the respondent shall not deny the renewal of recognition for the next year.

4. In spite of the issue being already covered by the above said orders of this Court, the first respondent had insisted the petitioner-School to produce the building approval from the Director of Town and Country Planning (DTCP). It is stated that the said School is a well recognised and reputed School in the said locality for more than twenty two years. Unless this Court directs the respondents to grant the recognition to the petitioner-School without insisting the production of the approval of the Deputy Director of Town and Country Planning, the respondents would not grant the recognition to the petitioner-School and the application of the petitioner seeking permanent recognition is still pending. Hence, the petitioner-School was constrained to file the writ petition.

5. The respondents have filed counter affidavit denying the averments made in the writ petition.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side and also in the light of the orders passed by this Court in W.P.(M.D).No.20329 of 2014 on 06.04.2015, the respondents are directed to pass orders based on the application made by the petitioner on 19.06.2014,, on merits and in accordance with law, within a period of four weeks from the date of receipt of the copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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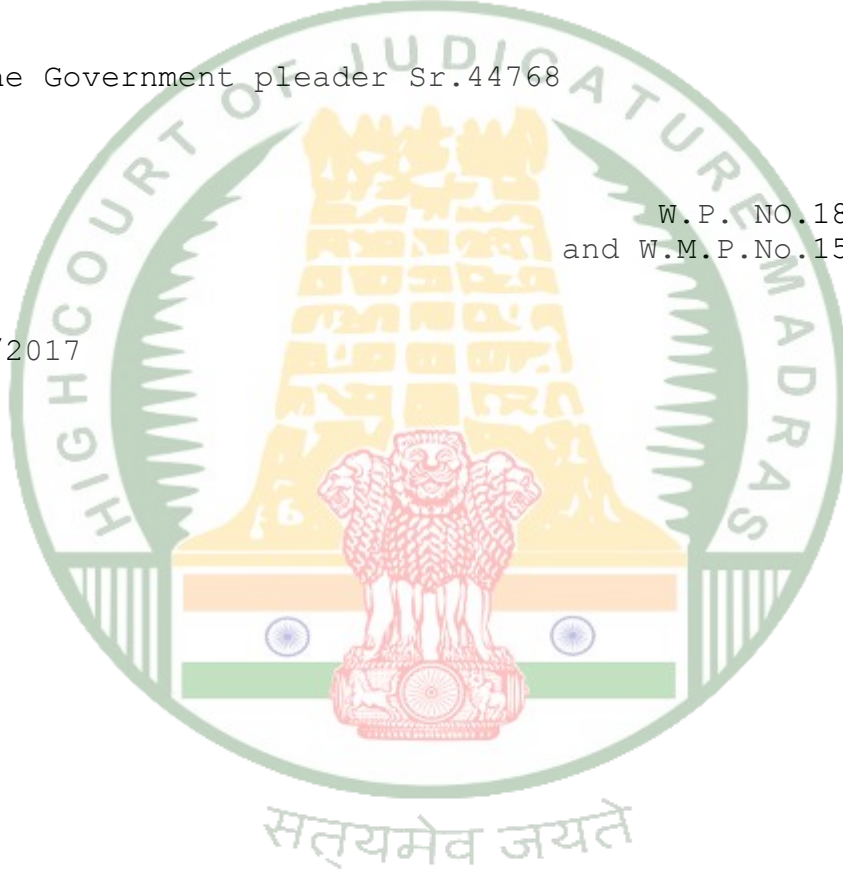
To

1. The Director of Matriculation Schools
D.P.I.Campus, College Road,
Chennai 600 006.
2. The Inspector of Matriculation Schools,
Salem Region, Salem.

+1cc to the Government pleader Sr.44768

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srg 07/07/2017



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