

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.27019 of 2017

Siddhartha Senior Secondary School,
rep. by its Correspondent,
R.P.Ulaganambi,
No.30, Vasantham Nagar,
Phase-III TNHB,
Sathuvachari,
Vellore - 632 009
Vellore District.

...Petitioner

vs.

1. The Regional Officer,
Central Board of Secondary Education (CBSE)
Regional Office,
New No.3 (Old No.1630-A),
'J' Block, 16th Main Road,
Anna Nagar (West)
Chennai - 40

2. The Regional Transport Authority,
Vellore.

... Respondents.

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to grant "No Objection Certificate" to the petitioner school for its vehicles, (i) TN 23 AD 6087 Mahindra Tourister 25 Model; (ii) TN 23 AD 6111 - Mahindra Tourister 25 model and (iii) TN 23 AD 6114 - Mahindra Tourister 25 model, to get the renewal of their Educational Institutional Vehicle Permit from the office of the 2nd respondent before its expiry.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.G.Nagarajan,
Standing Counsell for R1
Mr.A.Kumar,
Special Government Pleader for R2.

O R D E R

Mr.G.Nagarajan, learned Standing Counsel takes notice for 1st respondent and Mr.A.Kumar, learned Special Government Pleader takes notice for the 2nd respondent. By consent of the parties, the main writ petition is taken up for final disposal, at the admission stage itself.

2.The petitioner seeks for a direction to the 1st respondent to grant No Objection Certificate to the petitioner's School for its vehicle No.(i) TN 23 AD 6087 Mahindra Tourister 25 Model; (ii) TN 23 AD 6111 - Mahindra Tourister 25 model and (iii) TN 23 AD 6114 - Mahindra Tourister 25 model.

3. Heard both sides.

4. It is stated that the petitioner School was affiliated to the Central Board of Secondary Education (CBSE) and subsequently issued with an order of withdrawal of such application and the said order was to put to challenge before this Court in W.P.No.31127 of 2015. It is further seen that though the said order of withdrawal was not set aside by this Court in the final order passed in the writ petition on 17.06.2016, this Court directed the Assistant Secretary (Affiliation) Central Board of Secondary Education, New Delhi, to furnish a copy of the inspection committee report to the petitioner within a period of two weeks and consequently, the petitioner was directed to offer their response/ comments within the period of two weeks thereafter and the first respondent was directed to consider the same on merits and in accordance with law and pass orders within a period of four weeks thereafter.

5. It is admitted by the learned counsel appearing for the first respondent that the proceedings are still pending before the CBSC and no final order is passed so far as directed by this Court. In the mean time, the permit granted to the three buses of the petitioner School is going to expire on 17.10.2017. The petitioner has already made an application before the 1st respondent on 21.09.2017 seeking for issuance of No Objection Certificate for renewal of the permit. As the said application has not been considered so far, the present writ petition is filed before this Court.

6. Considering the above stated facts and circumstances, this writ petition is disposed of by directing the first respondent to consider the said request dated 21.09.2017 and pass orders on the same on merits and in accordance with law also by taking note of the earlier order passed by this Court on 17.06.2017 as well as the fact that the School is running even

as on today. Such exercise shall be done by the first respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

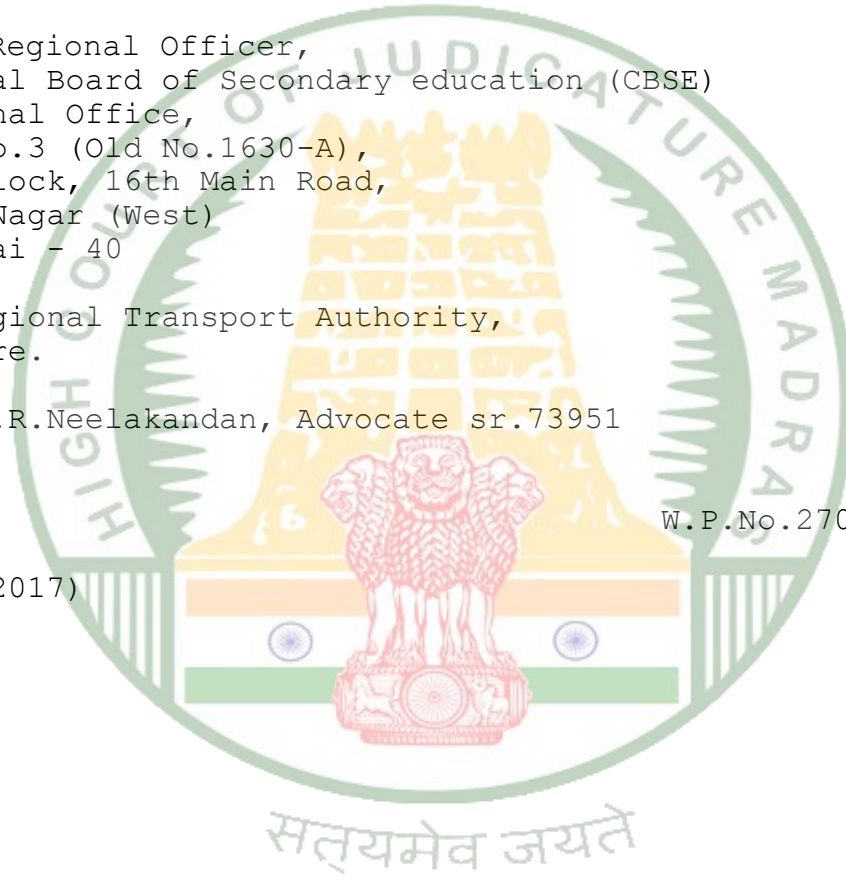
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+lccto Mr.R.Neelakandan, Advocate sr.73951

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ss(13/10/2017)



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