

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2017

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.18847 of 2014
&
WMP.No.1 of 2014

Gandhi Nursery and Primary School,
Rep. by its Secretary/Correspondent
S.Mathiyalagan,
S/o.R.Sivanandham
No.16, Eda Street,
Thiruvarur Taluk and District. Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary
Education Department,
St.George Fort, Chennai-9.
2. The Director of Elementary Educational
College Road,
Chennai-6.
3. The Chief Educational Officer
Thiruvarur District.
4. The District Elementary Educational Officer,
District Elementary Educational Office,
Thiruvarur District.
5. The Assistant Elementary Educational Officer (Nursery),
District Elementary Educational Office,
Thiruvarur District. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuing a writ of certiorarified mandamus, calling for the records of the 3rd respondent pertaining to Na.Ka.No.2690-(8)/2014/A4 dated 07.07.2014 and quash the same and direct the 4th respondent to grant the recognition to the petitioner's school as per the petitioner's representation dated 29.05.2014.

For Petitioner : Mr.B.Ramamoorthy
For Respondents : Mr.V.Anandhamoorthy
Additional Government Pleader

O R D E R

The writ petition has been filed challenging the order dated 07.07.2014 passed by the 3rd respondent prohibiting the school from functioning on the ground that there is no facilities available to the students. The petitioner school was established in the year 1994 and recognition was granted on 17.06.1998, for the period from 28.05.1998 to 31.05.2000 for the classes LKG to V standard. Though the petitioner has been getting the recognition renewed periodically, the last such renewal was for the period from 01.03.2007 to 31.05.2009. Subsequently, when the petitioner approached the authorities for renewal, the same was not granted, compelling the petitioner to give a representation on 29.05.2014 to renew the recognition. However, the 4th respondent issued a show cause notice dated 27.09.2013 and passed an order on 07.07.2014, canceling the recognition of the petitioner school. The said order has been challenged before this court.

2. Heard Mr.B.Ramamoorthy, learned counsel appearing for the petitioner and Mr.V.Anandhamoorthy, learned Additional Government Pleader for the respondents.

3. Though the photographs have been produced by the learned Counsel for the petitioner to show the stability of the building, the photographs themselves exhibit that building is in dilapidated condition or very old one and front portion of the building has been demolished which according to the petitioner is the handiwork of the landlord. Further, a report has been filed by District Educational Officer stating that the building is very old tiled house and there is no basic amenities available to the students and therefore, the impugned order has been passed.

4. This court is also convinced with the order passed by the District Officer prohibiting the school from functioning based on the facts specified in the order. The photographs themselves prove that the nature of building is very old. Therefore, this Court is convinced that the relief sought for by the petitioner cannot be granted. Hence the petition is liable to be dismissed. Accordingly this writ petition is dismissed.

5. Mr.B.Ramamoorthy, learned Counsel appearing for the petitioner would submit that the petitioner would start the school in a new place and he seeks permission for the same. If the petitioner intends to start the school in a new place with appropriate infrastructures and seek for recognition from the respondents, on satisfaction of the amenities available in the new location, the respondent could grant recognition.

Therefore, it is open to the petitioner to apply for recognition to the school in a new place, which would be considered according to law.

6.In fine, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tkp/sai

To

1. The Secretary to Government,
Education Department,
St.George Fort, Chennai-9.
2. The Director of Elementary Educational
College Road,
Chennai-6.
3. The Chief Educational Officer
Thiruvarur District.
4. The District Elementary Educational Officer,
District Elementary Educational Office,
Thiruvarur District.
5. The Assistant Elementary Educational Officer (Nursery),
District Elementary Educational Office,
Thiruvarur District.

+1cc to Mr.B.Ramamoorthy, Advocate, S.R.No.70303

+1cc to the Government Pleader, S.R.No.70643

W.P.No.18847 of 2014

CS/23/10/17