

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.20194 of 2016

and

W.M.P.Nos.28479 & 16868 & 17370 of 2016

M/s.Vivekananda Training School,
rep. by its Correspondent,
102/3, Brickklin Road, Purasawalkkam,
Chennai-600 008.

.... Petitioner

Vs

1.The Collector,
Office of the Chennai Collector,
Chennai.

2.The Tahsildar,
Office of the Tahsildar,
Fort Tondiarpet,
Chennai.

3.The Director,
Employment & Training Department,
Alandur Road,
Guindy,
Chennai - 600 032.

4.The Regional Joint Director,
Chennai Region, Guindy,
Chennai-600 032.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling all records culminating in the order of the third respondent on 07.04.2016 made in Na.Ka.No.11155/Emp.T.5/2016 quash the same and consequently grant recognition to the Petitioner Institute with effect from 01.07.2015 onwards permanently as per the application dated 30.04.2015 on the basis of the licence to be furnished by the first respondent in compliance to the inspection report made by the second respondent.

For Petitioner : Mr.R.Gopinath
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The petitioner training school was established in the year 2008 after getting recognition order from the third respondent for the academic year 2008-2009. The recognition has been regularly renewed up to 2014-2015. When the petitioner applied renewal of recognition to the Joint Director for the year 2015-2016, the third respondent introduced a requirement for the institutions to provide the Public Building Licence as a condition precedent for grant of recognition.

2.Pursuant to the introduction of that clause, the petitioner/ management applied to the legal revenue thasildar, who made inspection and submitted a proposal to the first respondent/Collector for granting of Licence as the first respondent is the competent authority to grant such Building License. However, the License was not issued in spite of submitting the proposal by the thasildar. A number of representations were made in this regard. Since the Public Building License has not been produced by the petitioner institute, the third respondent passed an order on 07.04.2016, refusing renewal of recognition for admission of the students into the institute commencing from third week of June, 2016. The said order is being challenged before this court.

3.Heard, Mr.R.Gopinath, learned Standing counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

4.The petitioner institution is not a new one. It has been established in the year 2008 and has been periodically getting the recognition renewed. Only during 2015-2016, the new requirement of getting Public Building License as a condition precedent for grant of recognition/renewal of recognition was introduced. To comply with that the petitioner applied to the respondents 1 and 2 and in fact the second respondent made inspection and said to have sent the proposal to the first respondent, who is competent authority to grant such a License. Till the impugned order was passed no order was passed by the first respondent leading to passing of the impugned order.

5.It is very clear after introduction of the clause regarding requirement of submitting the Public Building License, the petitioner acted swiftly and apply to the competent authority, which authority failed to grant the D-license. Therefore, the petitioner cannot be faulted with. Therefore,

impugned order is liable to be quashed. In any event, subsequent to the filing of the writ petition D-licence (ie) Public Premises Licence was granted by the first respondent on 15.06.2016. Therefore, the basis on which the impugned order has been issued is taken away by the subsequent development.

6. In view of the issuance of the D-licence viz., Public Premises Licence, the petitioner institute is entitled to get renewal. Therefore, the 3rd and 4th respondents are directed to take note of grant of the D-licence to the petitioner by the first respondent/Collector and shall pass orders for renewing the recognition of petitioner's institute within a period of four weeks from the date of receipt of a copy of this order.

7. While pending disposal of the present writ petition, this Court by order dated 15.06.2016 permitted students to write the examination and the students already took part in the examination conducted for the academic year 2015-2016. Therefore, the results of those students have to be declared within one week from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

tkp/sai

To

1. The Collector,
Office of the Chennai Collector,
Chennai.

2. The Tahsildar,
Office of the Tahsildar,
Fort Tondiarpet,
Chennai.

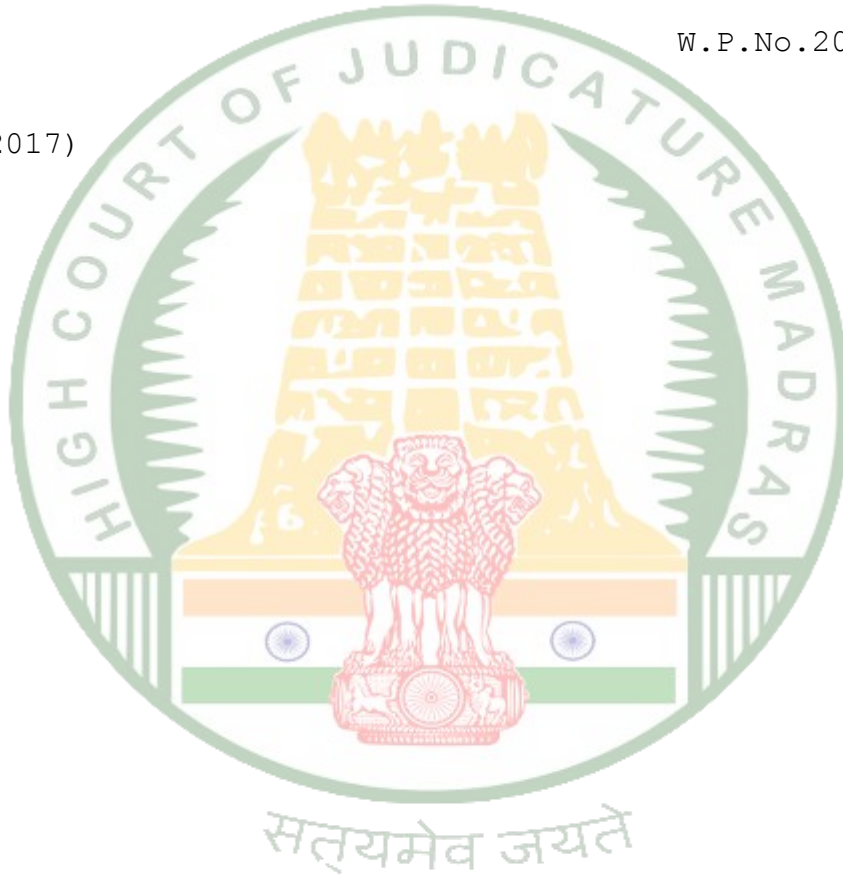
3. The Director,
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4.The Regional Joint Director,
Chennai Region, Guindy,
Chennai-600 032.

+1 CC to Mr.R. Gopinath, Advocate sr 79975.
+1 CC to The Spl. Govt. Pleader sr 80165.

W.P.No.20194 of 2016

MR(CO)
SP(29/11/2017)



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