

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2017

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.28852 of 2017

St. Rossello's Matriculation School
Sadayalputhoor
Vembanoor -629 801
Kanniyakumari District
Rep by its Headmistress
Sr.Sophy

....Petitioner

Vs.

1.The Director of School Education
DPI Campus, College Road
Chennai - 600 006.

2.The Inspector of Matriculation Schools
Tirunelveli Region
Tirunelveli District.

3.Central Board Secondary Education
Shiksha Kendra, 2-Community Centre
Preet Vihar, New Delhi-110092.
Rep by its Chairman

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 1st respondent to pass orders granting No Objection Certificate/permission to the petitioner school to avail affiliation from Central Board of Secondary Education (CBSE) by considering the representation submitted by the petitioner school dated 06.09.2017, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.M.Pappaiah [For R1 & R2]
Special Government Pleader

Mr.G.Nagarajan [For R3]

O R D E R

The writ petition has been filed for a Writ of Mandamus, directing the first respondent to pass orders granting No Objection Certificate/permission to the petitioner school to avail affiliation

from CBSE by considering the representation submitted by the petitioner.

2.The petitioner school has been established in the year 2015 with standards from LKG to X std. The Director of Matriculation Schools and the Inspector of the Matriculation Schools granted permission to start the school from LKG to VIII standards for the academic year 2015-16 on 29.02.2016. Thereafter, the Middle school was upgraded to Higher Secondary School for the academic year 2015-16, by an order of the first respondent, dated 20.04.2016. Subsequently, by an order dated 6.06.2017, the upgradation was made for the academic year 2016-18.

3.After advent of National Eligibility cum Entrance Test [NEET] for admission to MBBS/BDS course has been introduced, the petitioner decided to convert the Matriculation School to CBSE school. Therefore, the petitioner school submitted an application to the third respondent CBSE on 08.09.2017 for getting affiliation. As per the original bye-laws of CBSE, in the event of any school having recognition in the State, it can submit application to CBSE Board seeking affiliation. Whereas, after the amendment in the bye-laws to CBSE schools, dated 31.08.2017, it is necessary to obtain No Objection Certificate from the Education Department of State Government to avail affiliation from CBSE. Therefore, the petitioner gave a separate application to the first respondent/the Director of School Education on 06.09.2017 with a request to provide permission to have CBSE stream of education. Since the said petition has not been disposed of, the petitioner has come before this Court.

4.Heard Mr.G.Sankaran, learned counsel for the petitioner, Mr.T.M.Pappaiah, learned Special Government Pleader appearing on behalf of respondents 1 and 2 and Mr.Nagarajan, learned counsel for 3rd respondent.

5.There is no dispute with regard to the establishment of the school by the petitioner after getting appropriate approval or affiliation from the State Government to run as a Matriculation school. Because of the circumstances due to introduction of NEET, the petitioner intend to convert the Matriculation school to CBSE School. In this regard, No objection Certificate has to be obtained from the Education Department of State Government to avail affiliation from CBSE as per the amended bye-laws of CBSE.

6.Since, the petitioner has given representation seeking No Objection Certificate from the first respondent/Director of School Education on 06.09.2017, the first respondent is directed to consider and pass orders on the petitioner's representation dated 06.09.2017 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition stands disposed of.
No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

may

To

- 1.The Director of School Education
DPI Campus, College Road
Chennai - 600 006.
- 2.The Inspector of Matriculation Schools
Tirunelveli Region
Tirunelveli District.
3. The Chairman,
Central Board Secondary Education
Shiksha Kendra, 2-Community Centre
Preet Vihar, New Delhi-110092.

+1 CC to Mr.G.Nagarajan, Advocate SR.No.80254

+1 CC to Mr.G.Sankaran, Advocate SR.No.80387

CO-

ths : 27.11.2017

W.P.No.28852 of 2017

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