



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.07.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) .No.12530 of 2017

Lions Matriculation School,  
Idaiyangudi Road,  
Tisaiyanvilai-627 657  
Tirunelveli District  
Rep by its Correspondent  
T.Suyamburajan  
S/o.K.Thangasamy Nadar

.. Petitioner

vs.

1.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.

2.The Inspector of Matriculation Schools,  
Tirunelveli & District.

.. Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to grant permission to the petitioner's school for opening additional standards viz., 9<sup>th</sup> and 10<sup>th</sup> standards under the provisions of Matriculation Code based on the application submitted by the petitioner school dated 20.02.2017, following the ratio laid down by this Court in Contempt Petition in Cont.Petn (MD) No.1391 of 2015 dated 30.11.2015 and W.A.(MD).No.279 of 2016 dated 22.02.2016, within the time frame to be fixed by this Court.

For Petitioner :Mr.G.Sankaran

For Respondents :Mr.G.Muthukannan

Government Advocate

## O R D E R

This writ petition has been filed seeking for a direction to the respondents to pass orders for granting permission to the petitioner-school for opening additional standards viz., 9<sup>th</sup> and 10<sup>th</sup> standards under the provisions of Matriculation Code based on the application submitted by the petitioner school dated 20.02.2017, following the ratio laid down by this Court in Contempt Petition in Cont.Petn (MD) No.1391 of 2015 dated 30.11.2015 and W.A.(MD).No.279 of 2016 dated 22.02.2016, within the time frame to be fixed by this Court.



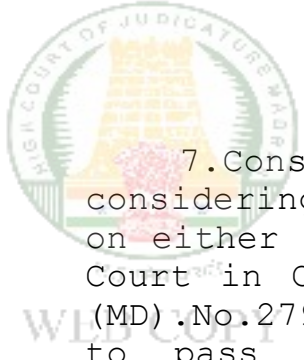
2.The case of the petitioner is that the petitioner-school submitted an application for opening additional standards 9<sup>th</sup> and 10<sup>th</sup> by referring to the requisite infrastructural and instructional facilities available in the school on 20.02.2017. The said application was returned by the respondents stating that DTCP approval was not obtained.

3.The further case of the petitioner is that a writ petition came to be filed before 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 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 herein. 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.Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.G.Muthukannan, learned Government Advocate appearing for the respondents.

5.So far as the present case is concerned, the petitioner-school has complied with all the legal requirements and there is no deviation with reference to the Regulations under Matriculation Code. In this regard, the Government issued orders in G.O.Ms.No.73, School Education Department dated 22.04.2017 for granting recognition to the existing schools upto 31.05.2018 and for submission of plan approval from DTCP/LPA/CMDA in the meantime.

6.In this regard, the petitioner's school herein has sent a detailed representation 20.02.2017 meeting out the requirements as stated in the communication by the respondents. However, the respondents have not considered the said representation. Since, the petitioner-school is in dire need of opening additional standards 9<sup>th</sup> and 10<sup>th</sup>, they were constrained to file the present writ petition.



7. Considering the facts and circumstance 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 Cont.Petn(MD).No.1391 of 2015 dated 30.11.2015 and W.A.(MD).No.279 of 2016 dated 22.02.2016, the respondents are directed to pass orders based on the application submitted by the petitioner-school dated 20.02.2017, within four weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above directions.  
No costs.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.

2.The Inspector of Matriculation Schools,  
Tirunelveli & District.

+1cc to M/S.F.DEEPAK, Advocate SR.No.64370

+1cc to Special Government Pleader, SR.No. 64598

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MAS/KP/SAR1:20.07.2017:2P-5C

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