



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.18345 of 2017

and

WMP(MD)Nos.14796 and 14797 of 2017

Ave Maria Matriculation School,
Ave Maria Park, Pannamparai Junction,
Satankulam,
Thoothukudi District - 628 704,
rep.by its Correspondent
S.Peter Raj

... Petitioner

vs.

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

2.The Inspector of Matriculation Schools,
Thoothukudi District,
Virudhunagar - 626 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified mandamus calling for the records relating to the Impugned Proceedings in Na.Ka.No.1571/B4/2017 dated 23.06.2017 and 31.08.2017 and to quash the same and directing the 1st respondent to grant opening permission for the additional classes of Higher Secondary in the petitioner school.

For Petitioner	: Mr.J.David Ganesan
For Respondents	: Mr.T.S.Mohammed Mohideen Additional Government Pleader

O R D E R

This writ petition has been filed, seeking to quash the impugned proceedings of the first respondent in Na.Ka.No.1571/B4/2017 dated 23.06.2017 and 31.08.2017 and consequently, direct the first respondent to grant opening permission for the additional classes of Higher Secondary in the petitioner school.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

3.According to the petitioner, the petitioner school was established in the year 2012 as a matriculation school and subsequently was upgraded as High school. While so, the petitioner school decided to upgrade the school into Higher Secondary school, for which, proposal has been sent to the



respondents and pursuant to the same, the second respondent inspected the petitioner school and having satisfied with the requirements, forwarded the proposal to the first respondent, recommending to grant opening permission for XI standard in the year 2016-2017 and for XII in the year 2017-2018. The first respondent rejected the proposal, stating that the petitioner school does not have DTCP approval. Aggrieved by the same, the petitioner is before this Court by filing the present writ petition.

4.The learned Additional Government Pleader appearing for the respondents would submit that in the event of the petitioner submitting a representation afresh to the respondents pursuant to G.O.(Ms) No.73, School Education (PL2) Department, dated 22.04.2017, the same will be considered and suitable orders will be passed. The learned counsel appearing for the petitioner is also agreeable for the same and ready to submit a fresh representation before the respondents.

5.In view of the above, this Court, without going into the merits of the matter, directs the petitioner to submit a fresh representation before the respondents pursuant to G.O.(Ms) No.73 School Education (PL2) Department, dated 22.04.2017 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter, after giving due opportunity of hearing to the petitioner.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, WMP(MD) Nos.14796 and 14797 of 2017 are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Matriculation Schools,
Thoothukudi District,
Virudhunagar - 626 001.

+1cc to M/S.J.David Ganesan, Advocate SR.No. 88554

+1cc to Special Government Pleader, SR.No. 89080

W.P(MD) No.18345 of 2017