



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.8590 of 2017

Anjaneya Matriculation School
rep. by its Correspondent,
Sivapuram, Illancheampur Post,
Muthukullathur Taluk,
Ramanathapuram District - 623 704. .. Petitioner

Vs.

- 1.The Director of School Education,
DPI Campus, College Road, Chennai.
- 2.The Inspector of Matriculation Schools,
Office of the Inspector of Matriculation Schools,
Pudhukottai District, Pudhukottai. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to process the petitioner's application dated 14.12.2016 for starting Matriculation School by considering the petitioner's compliance report/ representation dated 14.03.2017 in light of the order passed by this Court in W.P.No.20329 of 2014, dated 06.04.2014.

For Petitioner : Mr.E.Vijay Anand

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

ORDER

This writ petition is filed seeking a writ of mandamus to direct the respondents to process the petitioner's application dated 14.12.2016 for starting Matriculation School by considering the petitioner's compliance report/representation, dated 14.03.2017, in light of the order passed by this Court in W.P.No.20329 of 2014, dated 06.04.2014, within the time stipulated by this Court.

2.Heard both sides.

3.The case of the petitioner is that the petitioner preferred an application dated 14.12.2016 for starting new matriculation school under the name and style of Anjaneya Matriculation School in Illancheampur Post, Muthukullathur Taluk, Ramanathapuram District and the second respondent inspected the premises on 16.12.2016 and issued a communication, dated 29.12.2016, pointing out that approval from the Director of Town and Country Planning was not obtained and



also deficiency in infra structure facilities. According to the petitioner, the deficiency in infra structure facilities is rectified and since the local panchayat granted approval, approval from the Director of Town and Country Planning is not required. Therefore, the petitioner is before this Court with the aforesaid prayer.

4.The learned counsel appearing for the petitioner submitted that since the petitioner obtained planning permission from the local panchayat, approval from the Director of Town and Country Planning is not mandatory and this Court in the case in Director of Matriculation Schools, Directorate of Matriculation Schools, DPI Campus, Chennai - 600 005 v. Kaviyan School rep. by its Correspondent C.Deenathayalapandian, Indira Nagar, Malayakoundanpatti, Ammayanaickanur, Nilakottai, Dindigul District reported in 2015-5-L.W.101, has held that the education authority shall consider the application of the school, after getting clarification from the concerned Panchayat with regard to building plan approval.

5.The learned Additional Government Pleader appearing for the respondents, on the other hand, submitted that approval from the Director of Town and Country Planning is essential for considering the application for starting matriculation school.

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

7.The Division Bench of this Court in the case of Director of Matriculation Schools, Directorate of Matriculation Schools, DPI Campus, Chennai - 600 005 v. Kaviyan School rep. by its Correspondent C.Deenathayalapandian, Indira Nagar, Malayakoundanpatti, Ammayanaickanur, Nilakottai, Dindigul District reported in 2015-5-L.W.101, has held as follows:

"14.As has been pointed by Mr.B.Pugalendhi, learned Special Government Pleader appearing for the appellant, before grant of recognition, it is incumbent on the educational authorities to indicate what are all the requirements the law requires and the directions of the Hon'ble Supreme Court in Avinash Mehrotra, cited supra, have been complied with by the schools, while seeking recognition and what are the requirements/directions yet to be complied with by the schools. We expect the educational authorities that before granting recognition, they should be very clear whether all the requirements of law/defects pointed out have been complied with by the schools who seek approval and thereupon take a decision, in either way. We, therefore, modify the order of the learned Single Judge to the effect that the application of the respondent school for recognition should be considered in the parameters of the various guidelines issued by the Government and in the light of the decision of the Hon'ble Supreme Court in Avinash Mehrotra vs. Union of India, reported in (2007) 6 SCC 398 and after getting clarification from the concerned Panchayat or from the



Town and Country Planning Authorities, whether building plan approval has been granted to the respondent school, as required under law. Therefore, the respondent school be informed about the status, so that they can workout their remedy. For compliance, the appellant is directed to clarify all these issues to the respondent school, by a letter, within two weeks from the date of receipt of a copy of this order and the respondent school shall comply the same within four weeks thereafter. On receipt of the reply, the appellant shall consider the same and pass appropriate orders, expeditiously".

8.The above case squarely applies to the present case in hand. For considering the application for starting matriculation school, the educational authorities shall clarify the same from the concerned Panchayat.

9.Following the same, this writ petition is disposed of, directing the first respondent, after getting clarification from the concerned Panchayat or from the Town and Country Planning Authorities, whether building plan approval has been granted to the petitioner school, as required under law, shall inform about the status to the petitioner school by a letter, within a period of two weeks from the date of receipt of a copy of this order and the petitioner school shall comply with the same within a period of four weeks, thereafter. On receipt of the reply, the first respondent shall consider the petitioner's application, dated 14.12.2016, and pass appropriate orders, in line with the order of this Court in Director of Matriculation Schools, Directorate of Matriculation Schools, DPI Campus, Chennai - 600 005 v. Kaviyan School rep. by its Correspondent C.Deenathayalapandian, Indira Nagar, Malayakoundanpatti, Ammayanaickanur, Nilakottai, Dindigul District reported in 2015-5-L.W.101, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Director of School Education,
DPI Campus, College Road, Chennai.
 - 2.The Inspector of Matriculation Schools,
Office of the Inspector of Matriculation Schools,
Pudhukottai District, Pudhukottai.
- +One cc to Mr.E.Vijay Anand, Advocate, SR.No.85148

smn

RL/4C/3P/SV/MMS/SAR1/15/12/2017

ORDER MADE IN
W.P (MD) No.8590 of 2017
01/11/2017 (1/2)