

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4178 of 2018

All India Private Educational
Institutions Association,

Represented by its

State General Secreary K.Palaniyappan,
No.5, M.P.Avenue,
Majestic Colony,
Saligramam,
Chennai-600 093.

... Petitioner

Vs.

1. The Chair Person,
Central Board of Secondary Education,
Shiksha Kendra, No.2, Community Centre,
Preeth Vikar, Delhi-92.

2. The Secretary,
School Education Department,
Fort St.George,
Chennai-9.

3. The Director,
The Directorate of School Education,
DPI Campus,
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's representation, dated 06.02.2018 and thereby to clarify the issue regarding commencement of parallel CBSE institution within the same campus, which has been recognised under the Tamil Nadu Recognised Private School (Regulation) Rules, 1974 and also under the Code of Regulation for Matriculation Schools, Tamil Nadu in the cases where the institution satisfy both the norms and regulations prescribed under the Tamil Nadu Recognised Private School (Regulation) Rules, 1974, the Code of Regulation for Matriculation Schools and also the regulations framed for Central Board of School Educational (CBSE) Board.

For petitioner : Mr.E.Vijay Anand
For respondents : Mr.Nagarajan for R-1
Mrs.V.Annalakshmi, Govt. Advocate
for RR-2 and 3

ORDER

The petitioner-All India Private Educational Institutions Association has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's representation, dated 06.02.2018 and thereby to clarify the issue regarding commencement of parallel CBSE institution within the same campus, which has been recognised under the Tamil Nadu Recognised Private School (Regulation) Rules, 1974 and also under the Code of Regulation for Matriculation Schools, Tamil Nadu in the cases where the institution satisfy both the norms and regulations prescribed under the Tamil Nadu Recognised Private School (Regulation) Rules, 1974, the Code of Regulation for Matriculation Schools and also the regulations framed for Central Board of School Educational (CBSE) Board.

2. The State General Secretary of the petitioner-Association has sworn to the affidavit filed in support of the Writ Petition stating that the present issue is regarding commencement of parallel CBSE institution within the same campus which was recognised by the respondent-Department under the Tamil Nadu Recognised Private School (Regulation) Rules, 1974 and in compliance with the Code of Regulation for Matriculation Schools in Tamil Nadu. As per Rule 9 of the said Rules 1974, there is no bar in commencing parallel CBSE institution within the same campus, but the institution should satisfy the infrastructure and other requirements like staff, stability, fire certificate, etc., which have to be satisfied along with the Code of Regulations for Matriculation Schools in Tamil Nadu. It is the further contention of the petitioner that they came to understand that the State Government has passed an order that an institution can start a parallel CBSE institution in line with the above Rules, but the Government Order in that regard was not available, and hence in the interest of betterment of education standards, the petitioner-Association made a representation, dated 06.02.2018 to the respondents seeking to clarify the issue regarding the commencement of parallel CBSE institution within the same campus. Since the said representation is still pending, the petitioner has filed the present Writ Petition.

3. Even though the first respondent has filed counter affidavit, this Court is not inclined to pass orders on the merits of the matter and hence, without going into the merits of the matter, the respondents are directed to consider the said representation of the petitioner, dated 06.02.2018 and dispose

of the same on merits and in accordance with law, after hearing all the parties who are likely to be affected, within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

cs

To

1. The Chair Person,
Central Board of Secondary Education,
Shiksha Kendra, No.2, Community Centre,
Preeth Vikar, Delhi-92.
2. The Secretary,
School Education Department,
Fort St.George,
Chennai-9.
3. The Director,
The Directorate of School Education,
DPI Campus,
Chennai.

+ 1 cc to Mr.Nagarajan Advocate,SR.25884
+ 1 cc to Mr.E.Vijay Anand Advocate,SR.26085
+ 1 cc to The Govt.Pleader, SR.26294

सत्यमेव जयते

W.P.No.4178 of 2018

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nr 27/04/2018

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