

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twentieth day of September Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WP No.12555 of 2015

and MP No.2 of 2015

GURUVIKAS NURSERY AND PRIMARY [PETITIONER IN BOTH THE PETITIONS]
SCHOOL, REP BY ITS CORRESPONDENT,
P.DHANAPAL, 7/180, POGALUR POST,
SARAVANAN NAGAR, ANNUR TALUK,
COIMBATORE 641 697

Vs

1 THE STATE OF TAMIL NADU [RESPONDENTS IN BOTH THE PETITIONS]
REP BY ITS COMMISSIONER & SECRETARY,
ELEMENTARY EDUCATIONAL DEPARTMENT,
SECRETARIAT, CHENNAI - 9

2 THE DIRECTOR OF ELEMENTARY
EDUCATION, COLLEGE ROAD, NUNGAMBAKKAM,
DPI, CHENNAI -6.

3 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER, RAJA STREET, TOWN HALL,
COIMBATORE-1

4 ASSISTANT ELEMENTARY EDUCATION
OFFICER, ANNUR TALUK, ANNUR,
COIMBATORE 641 653

Writ Petitions under Article 226 of the Constitution of India
praying that in these circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue Writ of Certiorari and Mandamus

(i) Call for the records of the 1st Respondent pertaining to
G.O.M.S.No.49 School Education D1 department dated 01/03/2007 and
quash the same as arbitrary, ultra vires, void and against to the
object and scope of the relevant Act, Rules and regulations in this
subject and consequently direct the respondents to consider the
application of the petitioner dated 28/02/2014 for recognition of
his school without reference to G.O.M.S.No.49 School Education D1
department dated 01/03/2007 (in WP.12555/2015) and

(ii) To grant interim injunction restraining the 3rd and 4th respondent not to insist for the required area in pursuance of the G.O.M.S.No.49 School Education D1 department dated 01/03/2007 (in MP.2/2015)pending WP.No.12555 of 2015.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.V.BALAMURUGANE, Advocate for the petitioner in both the petitions and of MRS.V.ANNALAKSHMI, GA on behalf of the Respondents in both the petitions the court made the following order:-

This Court is of the *prima facie* view that the impugned Government Order in G.O.M.S.No. 49 (Education Department - Pre-Primary School) dated 01.03.2007 is violative of Act 14. The said Government Order is made applicable to every school irrespective of the nature of the school, whether it is Kinder Garden or Primary or High School by a subsequent Government Order.

2. The learned Government Advocate seeks time to get instructions.

3. At request of the learned counsel appearing for the respondent. Post the matter next week.

-sd/-

20/09/2018

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER & SECRETARY,
STATE OF TAMIL NADU,
ELEMENTARY EDUCATIONAL DEPARTMENT,
SECRETARIAT, CHENNAI - 9

2 THE DIRECTOR OF ELEMENTARY
EDUCATION, COLLEGE ROAD,
NUNGAMBAKKAM, DPI, CHENNAI -6.

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OFFICER, ANNUR TALUK, ANNUR,
COIMBATORE 641 653

C.C. to M/S.V.BALAMURUGANE Advocate on payment of necessary
charges

Order

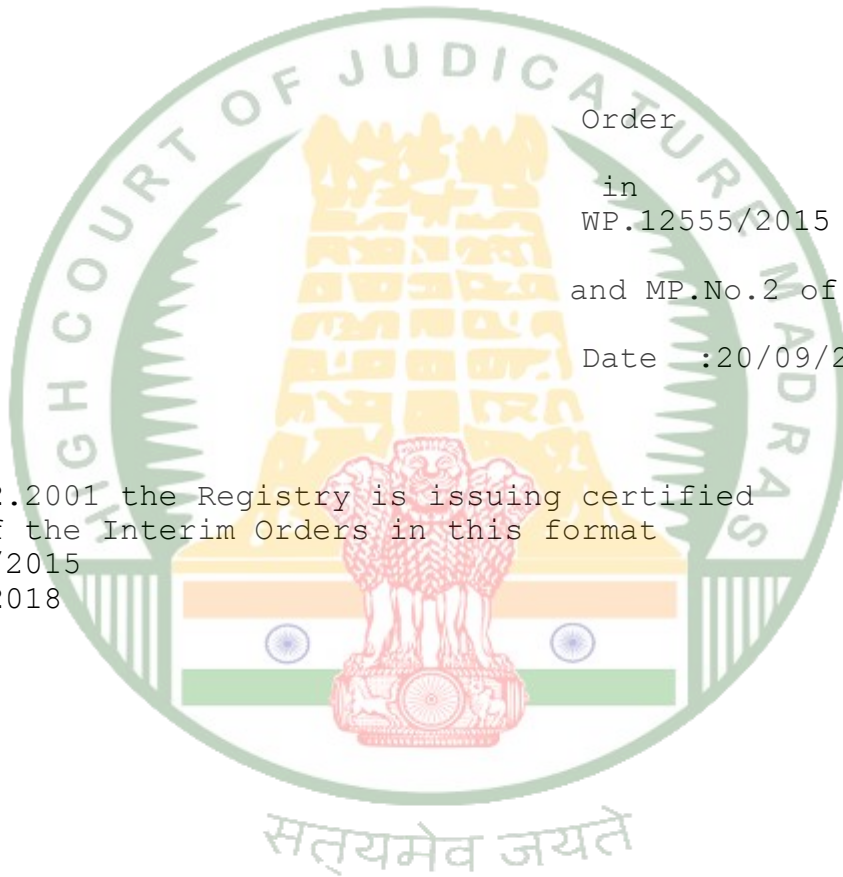
in

WP.12555/2015

and MP.No.2 of 2015

Date :20/09/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 06/05/2015
VS 25.09.2018



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