

W.P. No.20538 of 2014

D.KRISHNAKUMAR, J.

The learned counsel for the petitioner submitted that the petitioner's school was originally granted provisional permission to open Matriculation School at Kitchipalayam for the standards I to VII and the temporary recognition was renewed from the time to time. During July 2007, the Director of Matriculation School had issued a show cause notice on 23.08.2007 as to why the recognition shall not be canceled. Without considering the reply of the petitioner dated 12.09.2007, the Director of Matriculation Schools passed an order stating that the school shall not run from 30.40.2008 onwards. Thereafter, the petitioner, by virtue of an interim order dated 02.07.2008, they have filed an affidavit of undertaking dated 21.11.2010 that they would convert the Matriculation School as Nursery and Primary School from I to V Standards. Accordingly they have converted the Matriculation School as Nursery and Primary School for LKG to V std w.e.f 01.06.2011. It is further submitted by the learned counsel for the petitioner that the petitioner school regularly approached the respondents 2 to 4 for granting orders for conversion of existing Matriculation School to Nursery and Primary School, but the 4th respondent denied the same. Thereafter after lapse of two years, the 3rd respondent issued show cause notice dated 23.09.2013 directed the school to show cause the reasons for non submitting of proposal for running

school without any approval. Pursuant to the above show cause notice, the petitioner' school submitted a detailed reply on 14.11.2013 to the authorities concerned. The 4th respondent had visited the school on 10.02.2014 and directed to submit new proposal for granting permission. While that being so, the 2nd respondent had inspected the school on 04.06.2014. Subsequently, the 3rd respondent vide order in Na.Ka.No 0027/A4/2014, dated 23.07.2014, ordered for closure of the petitioner school, which is impugned in the present writ petition.

The 3rd respondent has filed counter affidavit stating that only after issuance of the impugned order, the petitioner school has sent proposal only on 08.08.2014. Therefore, as on the date of passing impugned order, the petitioner school was found as unrecognised school. It is further stated that as per the announcement in the Newspaper by the Government on 23.04.2014, totally 723 school were closed including the petitioner school as they do not contain the basic mandatory need to run the schools.

Now six years has been lapsed, so far the petitioner school not able to get approval from the respondent authority. According to the petitioner, they have submitted the proposal to the respondent authority and the same is pending. According to this Court, the petitioner school has no legal right to run the school without obtaining valid permission from the authorities concerned. However taking note of the submission made by the learned counsel for the petitioner that the proposal submitted by the

petitioner school is pending with the respondents, this Court directed the 2nd & 3rd respondents to file a detailed report before this Court including the pendency of proposal submitted by the petitioner school. In the meantime the petitioner shall not admit the students for the academic year 2021-22.

Post the writ petition for hearing on 03.06.2021

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