

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.323 and 324 of 2017
and
C.M.P.Nos.4822 to 4824 of 2017

- 1.The Director of School Education
DPI Compound, College Road
Chennai 600 006.
- 2.The Joint Director (Admn.)
Government Exams, DPI Compound,
College Road, Chennai 600 006.
- 3.The District Educational Officer
Namakkal.
- 4.The Chief Educational Officer
Namakkal.
- 5.The Zonal Deputy Director
Zonal Deputy Director Office,
Coimbatore.
- 6.The Inspector of Matriculation School,
Erode. ...Appellants in both appeals
Vs

SSM Lakshmiammal Matriculation Higher
Secondary School,
Rep. by its Correspondent K.S.Elavarrasan
S/o S.S.M.Soundappan, P.B.No.161
By Pass Road,
Komarapalayam 638 183. ...Respondent in both appeals

Prayer:- Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the interim order passed by this Court in W.M.P.Nos.38323 and 38324 of 2016 in W.P.No.44497 and 44498 of 2016 dated 25.01.2017.

Prayer in W.P.44497 & 44498/2016:

To issue Writ, order or direction morefully in the nature of Writ of Certiorarified Mandamus Calling for the records of the second respondent made in No.NA.KA No.132601/ P8/2016 dated 30.11.2016 cancelling the Allotment of Constitution of Exam Centre to the petitioner School and quash the same and direct the second respondent to allot the Constitution Exam Centre to the petitioner School for the X Standard Exam.

Prayer in W.M.P.Nos.38323 in W.P.44497/2016:

To issue direction to the Second Respondent to allot the constitution of exam Center for the X standard Commencing from 08.03.2016 to the Petitioner school in (W.M.P.Nos.38323 of 2016) pending disposal of 44497/2016.

Prayer in W.M.P.Nos.38324/2016 in W.P.44498/2016:

To issue direction to the Second Respondent to allot the constitution of Exam Center for the XII Standard commencing from 08.03.2016 to the Petitioner School (in W.M.P.Nos.38324/2016) pending disposal of W.P.44498/2016.

For Appellants : Mr.K.Karthikeyan
Government Advocate

For Respondent : No appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The School Education Department initially permitted the respondent to open an Examination Centre to conduct examination for 10th and 12th standards. The permission was subsequently cancelled on the ground that there was no renewal of the recognition to the institution. The order cancelling the permission granted earlier was challenged before the Writ Court in W.P.Nos.44497 and 44498 of 2016.

2. The learned Single Judge passed an interim order directing the appellants to permit the respondent to open the Centre for writing public examination for 10th and 12th standard students. The appellants were directed to pass orders granting such permission. The said order is under challenge in these two intra court appeals.

3. We have heard the learned Government Advocate on behalf of the appellants. None appears on behalf of the respondent.

4. There is no dispute that as on the date on which the impugned order was passed by the Joint Director of Government

Examination, there was no renewal of the recognition to the institution. Since there was no renewal of the very recognition, the Joint Director cancelled the permission granted earlier to function as an Examination Centre. There is no question of permitting the respondent to open the Examination Centre unless and until the recognition for conducting the School itself is renewed by the statutory authority. The delay in processing the application for recognition cannot be a reason to grant permission to the respondent to open the Examination Centre. The learned Single Judge was apprised of the fact that there was no renewal of recognition to the School in question. Such being the factual position, the learned Single Judge was not correct in directing the appellants to permit the respondent to function as a Centre for writing public examination for the 10th and 12th standards, pending disposal of the Writ Petitions.

5. We are therefore, inclined to set aside the order passed by the learned Single Judge. It is open to the respondent to take up all contentions before the Writ Court in W.P.Nos.44497 and 44498 of 2016. We make it clear that till the disposal of the Writ Petitions, the respondent is not entitled to function as a Centre for conduct of public examination.

The intra court appeals are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

gms

To

1.The Director of School Education
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Chennai 600 006.

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Government Exams, DPI Compound,
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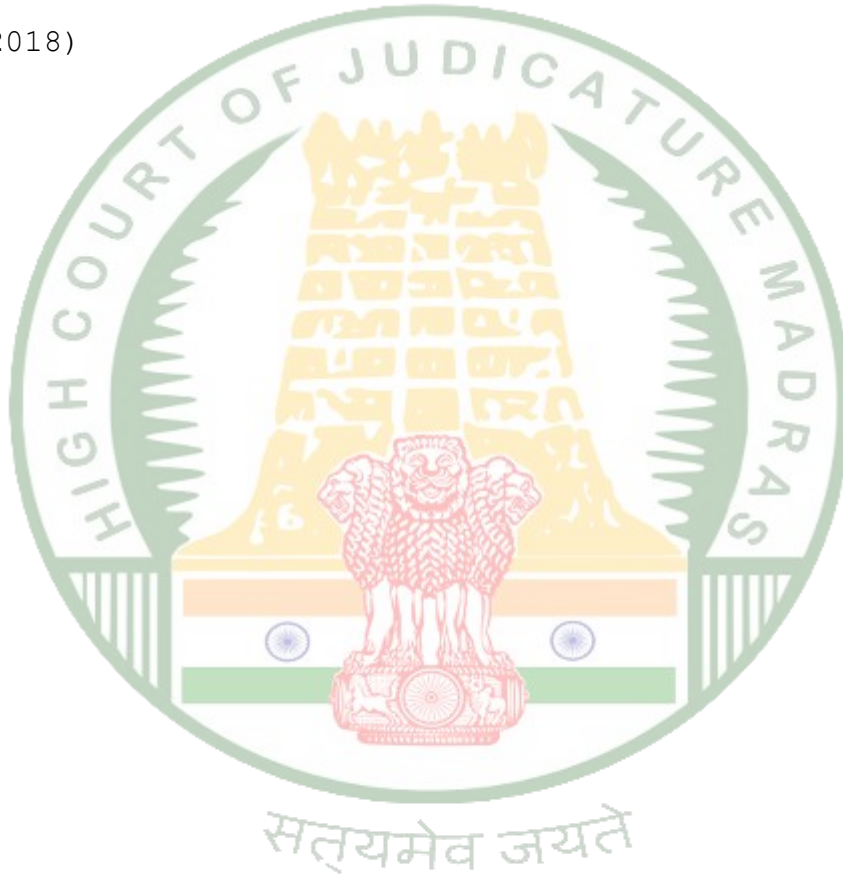
5.The Zonal Deputy Director
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6.The Inspector of Matriculation School,
Erode.

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