

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Writ Petition No.678 of 2018
& W.M.P.No.849 of 2018

Annai Sellammal Matriculation School,
Situated at No.226 Salem Main Rd.
Komarapalayam, Tiruchengode Tk.
Namakkal Dt - 638183,
Rep by its Correspondent, namely,
Ve. Radhakrishnan

... Petitioner

Vs

- 1 The Director of Matriculation
Schools DPI Campus, College Road,
Chennai- 600 006
- 2 The Joint Director of Matriculation schools
DPI Campus, College Road, Chennai-6
- 3 The Inspector of Matriculation Schools,
Chief Educational Office Complex
Erode-638 001
- 4 The Chief Educational Officer,
Namakkal District
- 5 The Divisional Revenue Officer,
Tiruchengode Namakkal District
- 6 The Tahsildar,
Komorapalayam Namakkal District

7 J.K.A.Kumararajah

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioner reply dated 22.12.2017 to the show cause notice of 2nd respondent herein in his proceedings Na.Ka. No.3433/ Aa1/Aa5/2015 dated 13.11.2017 and consequently directing the respondents 1 and 2 to renew the recognition granted for running petitioner school with classes L.K.G to X standard.

For Petitioner : Mr. Saravanan Satheesh Kumar

For R-1 to R-6 : Mr. C.Munusamy, Spl.G.P., (E)

O R D E R

This writ petition has been filed by the petitioner against the respondents to consider the petitioner's reply, dated 22.12.2017 to the show cause notice of 2nd respondent herein, in his proceedings Na.Ka.No.3433/ Aa1/ Aa5/2015, dated 13.11.2017, and consequently to direct respondents 1 and 2 to renew the recognition granted for running petitioner school with classes L.K.G to X standard.

2. According to the petitioner, the first respondent herein formed an enquiry committee under the head of fourth respondent and directed him to submit a report with regard to allegations of the seventh respondent and his agents about the petitioner school. The fourth respondent submitted his report dated 20.09.2017 to the first and second respondents. The second respondent herein passed an order dated 13.11.2018 thereby issuing statutory notice under Rule 13 (1) (b) of the Tamil Nadu Children Free and Compulsory Education Rules, to the petitioner school. Citing some defects, the second respondent, in the above order, directed the petitioner school to rectify the said defects and to submit a reply to him. The petitioner challenged the said order of the second respondent before this Court in W.P.No.33436 of 2017. This Court dismissed the said writ petition on 21.12.2017 and held that it is only a statutory notice and the petitioner should give suitable reply to the said notice. Accordingly, the petitioner rectified all the defects, cited by the second respondent and also submitted a reply to the respondents 1 and 2, on 22.12.2017. Till date, the first respondent did not consider the said reply and did not renew the recognition granted to the petitioner school. Hence, the writ petition.

3. Heard both sides.

4. The learned counsel appearing for the petitioner submitted that none of the parent of the students, studying in the petitioner school, make any complaint against its administration at any point of time; taking advantage of the non-consideration of the petitioner school's reply and non-renewal of the recognition granted to the petitioner-school by the first respondent herein, the seventh respondent and his associates are wrecking vengeance against the petitioner-school. Further, the learned counsel appearing for the petitioner

submitted that, for the show cause notice issued, the petitioner had submitted an elaborate reply, which has to be considered by respondents 1 and 2.

5. This Court heard the submissions of the learned Special Government Pleader appearing for respondents 1 to 6 on the submissions made by the learned counsel for the petitioner.

6. Admittedly, the petitioner school has given a reply to the show cause notice issued by the second respondent stating that all the shortcomings pointed out have been rectified. Hence, this Court is of the opinion that appropriate directions should be issued to the respondents 1 and 2 to consider the reply submitted by the petitioner.

7. Accordingly, this writ petition is disposed of, with a direction to respondents 1 and 2 to consider the petitioner's reply, dated 22.12.2017 to the show cause notice of the second respondent, dated 13.11.2017, (with regard to the renewal of recognition granted for running the petitioner school with classes LKG to X Standard) and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording the opportunity of personal hearing to the petitioner and other aggrieved parties, if any. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

srk

To

- 1 The Director of Matriculation
Schools DPI Campus, College Road,
Chennai- 600 006
- 2 The Joint Director of Matriculation schools
DPI Campus, College Road, Chennai-6
- 3 The Inspector of Matriculation Schools,
Chief Educational Office Complex
Erode-638 001

4 The Chief Educational Officer,
Namakkal District

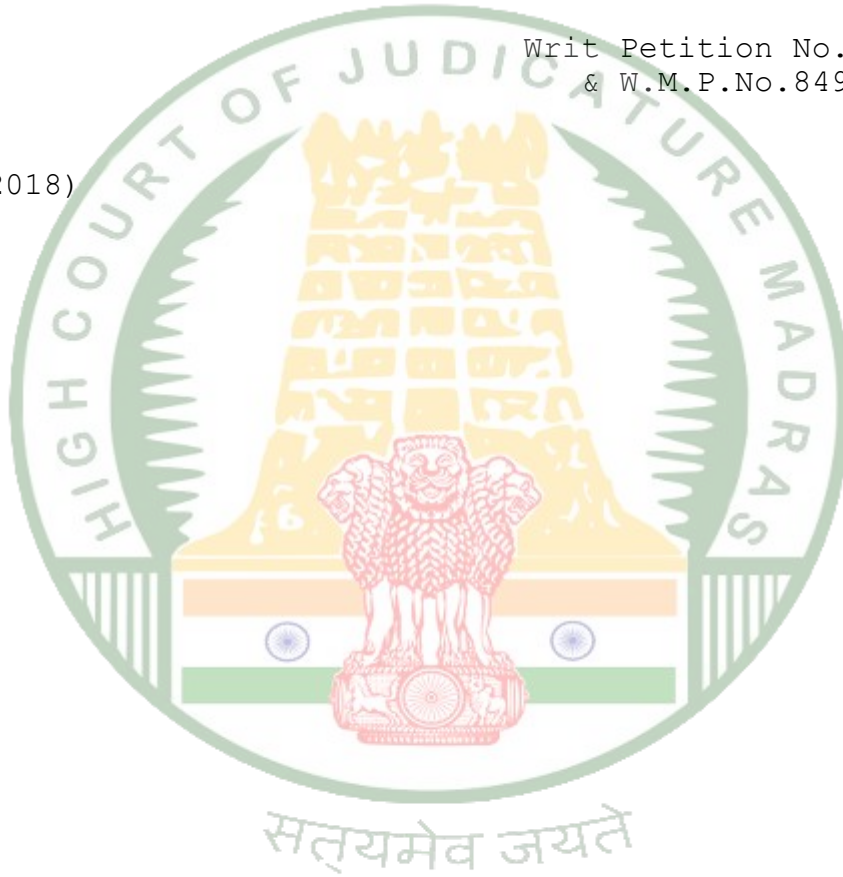
5 The Divisional Revenue Officer,
Tiruchengode Namakkal District

6 The Tahsildar,
Kamorapalayam Namakkal District

+1cc to Government Pleader SR.No.3349

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