

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.12372 of 2017
and WMP.No.13123 of 2017

Ideal Nursery & Primary School
(Recognition No.025/DPM)
Rep. by its Correspondent
M.Krishnaswamy
Periyapallivasal Road,
Alangiam Post, Dharapuram Taluk
Tiruppur District.

...Petitioner

Vs.

1. The District Collector
Tiruppur District,
Tiruppur.
2. The Chief Educational Officer,
Tiruppur District,
Tiruppur.
3. The District Elementary Educational Officer,
Tiruppur District,
Tiruppur.
4. The Asst. Elementary Educational Officer,
Dharapuram
Tiruppur District,
Tiruppur.
5. The Asst. Elementary Educational Officer,
(Nursery), Tiruppur District,
Tiruppur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent vide Na.Ka.No.8339/A4/2016 dated 12.04.2017 and quash the same as illegal and consequently direct the 2nd and 3rd respondents herein to consider the representation preferred by the petitioner dated 28.04.2017 in the light of G.O.Ms.No.73 School Education Department dated 22.04.2017 and grant

recognition to the petitioner school viz. Ideal Nursery & Primary School, Periyapallivasal Road, Alangiam Post, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.M.Venkadeshan

For Respondents: Mr.C.Munusamy
Special Government Pleader
(Education)

O R D E R

Challenging the closure order passed by the second respondent dated 12.04.2017, the petitioner has come up with the present writ petition. Further, the petitioner has sought for a direction to the respondents 2 and 3 to consider the representation dated 28.04.2017 in the light of G.O.Ms.No.73, School Education Department, dated 22.04.2017 and grant recognition to them.

2.It is the case of the petitioner that the petitioner school was started in the year 2005 and has been conducting classes from LKG to V Standard. It was granted temporary recognition in the year 2005, which has been periodically renewed till 2013. While the petitioner applying for renewal of recognition, the 3rd respondent sent communications dated 11.12.2014, 10.05.2016 and 31.01.2017 calling upon the petitioner to rectify certain defects. In response to the same, the petitioner has given explanation and assurance that they would rectify the defects as pointed out in the communications, within a short time. However, the 2nd respondent passed an order dated 12.04.2017 in Na.Ka.No.8339/A4/2016 to close the school, for the academic year 2016-2017. Hence, this writ petition.

3.Though the petitioner has filed this writ petition to set aside the closure order, the learned counsel for the petitioner, during the course of arguments, ultimately submitted that the petitioner would be satisfied, if a direction is given to the second respondent to consider the representation of the petitioner dated 28.04.2017 in the light of G.O.Ms.No.73, School Education Department, dated 22.04.2017, wherein, the Government has issued a direction to the school authorities to renew the recognition of the existing schools without insisting for building approval from the Town and Country Planning Department till 31.05.2018.

4.Heard the learned Special Government Pleader (Edn) appearing for the respondents on the above submission.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the claim made herein, directs the second respondent to consider the petitioner's representation dated 28.04.2017 and pass appropriate orders, with regard to renewal of recognition, on merits and in accordance with G.O.Ms.No.73 School Education Department, dated 22.04.2017, after affording an opportunity of personal hearing to the petitioner and communicate the decision to be taken to the petitioner. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rm/rk

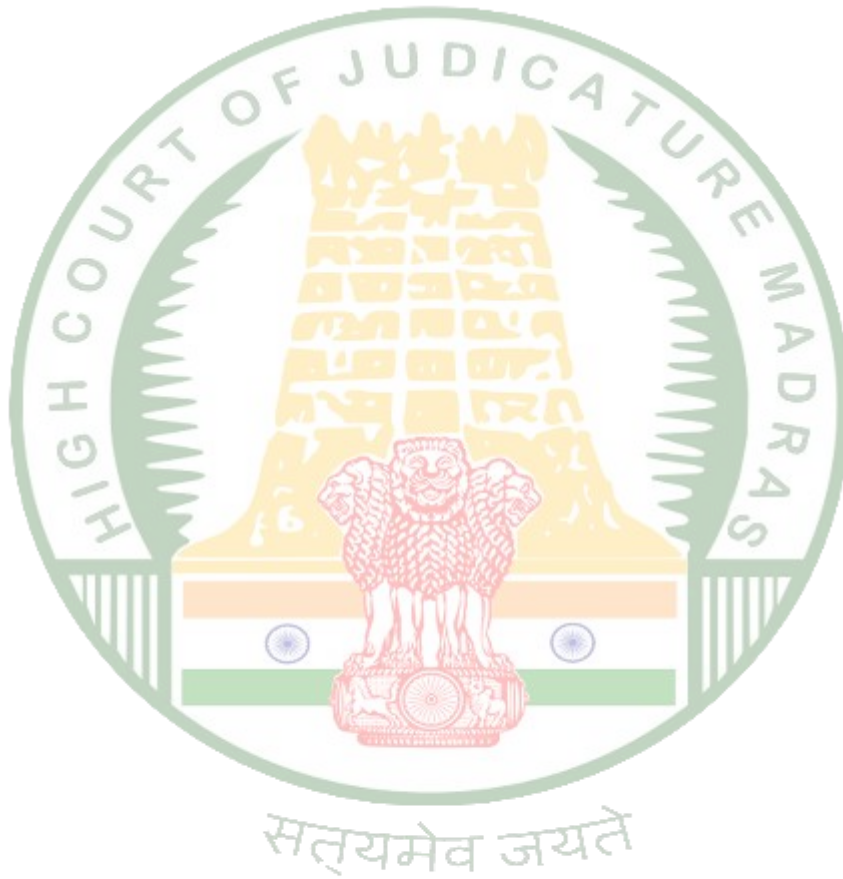
To

1. The District Collector
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4. The Asst. Elementary Educational Officer,
Dharapuram
Tiruppur District,
Tiruppur.
5. The Asst. Elementary Educational Officer,
(Nursery), Tiruppur District,
Tiruppur.

+1 CC to Mr.M. Venkatesan, Advocate sr 6768.
+1 CC to Govt. Pleader sr 71183

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SP(27/02/2018)



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