

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11751 of 2018

Edupark Nursery and Primary School,
No.3, Railway Station Road,
Polur-606 803,
Tiruvannamalai District,
rep. by its Chairman,
A.Chockalingam,
S/o.Achuthan

... Petitioner

vs.

1. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.
2. The District Elementary Educational officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Assistant Elementary Educational Officer (Nursery),
O/o.District Elementary Educational Officer,
Tiruvannamalai District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the Respondents to grant recognition to the Petitioner School for Standards L.K.G. to 5th under the provisions of Code of Regulations for Nursery and Primary, without insisting for DTCP approval in the light of orders passed in W.A.(MD) No.1139 of 2015, dated 02.12.2015 and minimum land area as per G.O.Ms.No.175, School Education Department, dated 20.07.2017, within a stipulated time.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.A.Rajaperumal,
Additional Government Pleader

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents to grant recognition to their School for Standards L.K.G. to V under the provisions of Code of Regulations for Nursery and Primary, without insisting

for DTCP approval in the light of orders passed in W.A.(MD) No.1139 of 2015, dated 02.12.2015 and minimum land area as per G.O.Ms.No.175, School Education Department, dated 20.07.2017, within a stipulated time.

2. According to the Petitioner, their School is located under Polur Selection Grade Town Panchayat limits and it has also obtained Public Building Licence, Structural Stability Certificate, Sanitation Certificate as well as NOC from Fire and Rescue Department as required. The Petitioner made an application seeking recognition under the provisions of Code of Regulations for Nursery and Primary to the DEEO, Thiruvannamalai District through the 3rd Respondent. The application submitted by the Petitioner was forwarded to the 1st Respondent-CEO, Tiruvannamalai District. Based on the same, after due inspection of the Petitioner-School by the official concerned, the 1st Respondent returned the proposal vide proceedings dated 21.12.2017 for the reason that the School is not having minimum land area of one acre, which is required in Town Panchayat area and that DTCP approval has to be obtained for the school building.

3. It is further stated by the Petitioner that originally, the Government issued orders in G.O.(2D) No.48, School Education Department, dated 21.07.2004 prescribing minimum infrastructural facilities, which include land area for each school depending upon the location of the school. Accordingly, the minimum land area as stated in the Government Order cannot be insisted for the purpose of granting recognition or renewal of recognition for the schools concerned.

4. Mr.G.Sankaran, learned counsel for the Petitioner submitted that the Petitioner has made an application with regard to grant of recognition to their School and the same is pending. He pleaded that without DTCP approval, the request of the Petitioner may be considered in the light of various Government Orders issued periodically.

5. In reply, learned Additional Government Pleader submitted that as to whether the Petitioner has submitted any application or not with regard to grant of recognition, has to be verified.

6. In view of the submissions of the learned counsel on either side, this Court holds that if any application by the Petitioner-School is pending, the said application shall be considered by the authority concerned in accordance with the Regulations/Government Orders that are in force as on date, which are amended from time to time. Such a decision shall be taken as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction.
No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To:

1. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.
2. The District Elementary Educational officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Assistant Elementary Educational Officer (Nursery),
O/o.District Elementary Educational Officer,
Tiruvannamalai District.

+1 CC to Govt. Pleader sr 35324.

+1 CC to Mr.G. Sankaran, Advocate sr 35140.

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SP(13/06/2018)

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