

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 No.1927 of 2013

The Madras English Baptist Church  
Rep. by the Chairman, Board of Trustees  
Rev.Dr.J.A.L.Baynes ...Appellant

Vs

- 1.The Government of Tamil nadu  
Rep. by the Commissioner and  
Secretary to Education Department,  
Fort St.George, Chennai - 600 009.
- 2.The Director of Matriculation Schools,  
College Road, Chennai - 600 006.
- 3.The Director of School Education,  
College Road, Chennai - 600 006.
- 4.The Inspector of Matriculation Schools,  
Egmore, Chennai - 600 008. ....Respondents

Prayer:- Writ Appeal filed under clause 15 of the Letter  
Patent to set aside the order dated 21.02.2013 made in  
W.P.No.15519 of 2003.

WP.No.15519/2003:The writ petition filed under Article 226 of  
the Constitution of India for issue of writ of certiorarified  
mandamus to call for the records from the file of the 2<sup>nd</sup>  
respondent, ending with the proceedings R.C.13018/E6/2002  
dated 21.4.2003 and quash the same and to direct the 2<sup>nd</sup>  
respondent to consider the application for grant of permanent  
recognition to the petitioner's school.

For Appellant : Mr.P.Sidharthan

For Respondents: Mr.K.Karthikeyan  
Government Advocate

J U D G M E N T  
(made by K.K.SASIDHARAN,J.)

The appellant was running an education institution in the  
name and style of Baynes Memorial Baptist Church Matriculation

Higher Secondary School, Vepery, Chennai, without obtaining recognition from the educational authority. The Director of Matriculation Schools directed the appellant to close the institution and not to make any new admission from the academic year 2003-04 by order dated 21 April, 2003. The writ petition filed by the appellant was disposed of by the learned single Judge with a direction to the appellant to submit a fresh application and the same was ordered to be disposed of within a period of four weeks from the date of receipt of such application. Feeling aggrieved, the appellant has come up with this appeal.

2. Heard the learned counsel for the appellant and the learned Government Advocate on behalf of the respondents.

3. The documents available on record and the pleadings would indicate that the Director of Matriculation Schools issued a notice to the appellant on 30 December, 2002 to show cause as to why orders should not be passed to close the institution on account of its failure to obtain recognition from the Education Department. The explanation submitted by the appellant was considered by the Director of Matriculation Schools and the same resulted in passing the order dated 21 April, 2003. The Director of Matriculation Schools by the said order declared the institution as an "Unrecognised school" from the academic year 2003-04 and the Management of the School was directed not to make admission from the next academic year. There was a further direction to issue Transfer Certificate to the children who were undergoing the course.

4. The order dated 21 April, 2003 was put in issue before the Writ Court. The learned single Judge considered the contention taken by the appellant that application for permanent recognition was given on 12 December, 1986. However, the said contention was disputed by the Government. It is the contention of the respondents that no such application was received from the appellant. Similarly, it is the contention of the respondents that there is no practise of issuing permanent recognition to the matriculation schools. The school has to apply for recognition once in three years. There is no automatic renewal of recognition, meaning thereby, the institution has to comply with the statutory requirement for periodical renewal.

5. The learned single Judge taking into account the fact that writ petition was heard during the middle of the academic year directed the respondents to permit the appellant to continue the academic function till the end of the academic year. The appellant was directed to submit a fresh application for recognition.

6. It is the contention of the learned Government Advocate that no such application was submitted by the appellant. The appellant is running the institution without

any recognition pursuant to the order passed by the learned single Judge.

7. There is no question of permitting the appellant to run the educational institution without obtaining statutory recognition from the Education Department. The respondents must be satisfied that the institution is having all the infrastructural facilities to run the institution. The mandatory provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 should be complied with by the appellant. There is nothing on record to show that the appellant filed an application for recognition on 12 December, 1986. In any case, the learned single Judge protected the interest of the appellant by giving a direction to submit a fresh application within a period of fifteen days. The appellant was obliged to submit such application in view of the order passed by the learned single Judge.

8. We are informed that even during the academic year 2017-18, the appellant has admitted students. The writ appeal is pending since 2013. We do not want the students to suffer on account of the pendency of the writ appeal before this Court. We therefore direct the appellant to make an application for recognition before the Director of Matriculation Schools within a period of fifteen days from the date of receipt of a copy of this judgment. In case, the application is accompanied by all the necessary documents, it shall be considered and disposed of by the statutory authority, as expeditiously as possible and in any case on or before 31 March, 2018. The appellant shall not admit students for the academic year 2018-19 unless recognition is given by the statutory authority.

9. The order passed by the learned single Judge is modified to the extent indicated above.

10. The intra court appeal is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

svki  
To

1.The Commissioner and Secretary to Education Department,  
The Government of Tamil nadu  
Fort St.George, Chennai - 600 009.

2.The Director of Matriculation Schools,  
College Road, Chennai - 600 006.

3.The Director of School Education,  
College Road, Chennai - 600 006.

4.The Inspector of Matriculation Schools,  
Egmore, Chennai - 600 008.

+2cc to Mr.P.Sidharthan, Advocate SR.No.2805

+1cc to Government Pleader Sr.No.3364

NRK(CO)

sm:14.2.2018

W.A No.1927 of 2013



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