

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18824 of 2018
and
W.M.P.No.22185 of 2018

M.Thulasiraman,
son of Madurai, aged about 48 years,
Headmaster,
Sri Saraswathi Vidhyaalayaa High School,
Kariyamanikkam,
Puducherry-605 106. .. Petitioner

Vs.

1. The Director of School Education,
Education Department,
Perunthalaivar Kamarajar
Centenary Educational Complex,
100 Feet Road, Anna Nagar,
Puducherry-605 106.
2. Chief Educational Officer,
O/o Chief Educational Officer,
Perunthalaivar Kamarajar
Centenary Educational Complex,
100 Feet Road, Anna Nagar,
Puducherry-605 106. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to Endt.No.1170/DSE/CEO/stores/S2/2017-18 dated 23.02.2018 and the order No.2202/48/CEO/Stores/S2/2017-18, dated 18.06.2018 passed by the second respondent and quash the same and consequently direct the respondents to permit the petitioner school, viz., Sri Saraswathi Vidhyalayaa High School, Kariyamanikkam, Puducherry 605 106 to conduct classes upto 10th Standard.

For petitioner : Mr.M.Gnanasekar
For respondents : Mr.C.T.Ramesh, Addl.G.P. (Pondicherry)

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to Endt.No.1170/DSE/CEO/stores/S2/2017-18 dated 23.02.2018 and the order No.2202/48/CEO/Stores/S2/2017-18, dated 18.06.2018 passed by the second respondent and quash the same and consequently direct the respondents to permit the petitioner school, viz., Sri Saraswathi Vidhyalayaa High School, Kariyamanikkam, Puducherry 605 106 to conduct classes upto 10th Standard.

2. The petitioner submitted that he was running the School with Classes LKG to X and that for want of requisite land, the School was downgraded from LKG to VIII. The petitioner in his affidavit filed in support of the Writ Petition, has stated that they are proposing to purchase land and that the School was functioning for nearly 20 years and that on account of the demise of his wife in a road accident on 09.03.2017, he was unable to comply with the conditions/defects pointed out by the respondents and that they are willing to rectify the same. The recognition granted to the School was purely temporary, which was issued on 29.05.1996, and that there was a provisional recognition initially granted upto VIII Std. in the academic year 2007-2009, which was in existence till 2012-2013 and the recognition was granted upto X Std. in respect of the academic year 2012-2013.

3. It is seen that the following conditions are to be fulfilled by the petitioner :

(i) The grant of recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.

(ii) The School shall abide by the provisions of the Right to Children to Free and Compulsory Education Act, 2009 and the Puducherry Right of Children to Free and Compulsory Education Rules, 2011.

(iii) The aided private school shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, under section 12 of the Act.

4. The petitioner has got to comply with the above said conditions. As there is no requisite land, and that it is possible only for the School to have Classes from I to VIII, the School was rightly downgraded from LKG to VIII and that the petitioner has no right much less the legal right to claim that school should be recognised to have classes upto X.

5. Hence, the Writ Petition is dismissed. It is needless to mention that if the petitioner fulfils the requirements, the case of the petitioner will have to be considered from the next academic year. No costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Director of School Education,
Education Department,
Perunthalaivar Kamarajar
Centenary Educational Complex,
100 Feet Road, Anna Nagar,
Puducherry-605 106.
2. Chief Educational Officer,
O/o Chief Educational Officer,
Perunthalaivar Kamarajar
Centenary Educational Complex,
100 Feet Road, Anna Nagar,
Puducherry-605 106.

+1cc to the Government Pleader cum Public Prosecutor
(pondicherry) , S.R.No.49650

W.P.No.18824 of 2018

kan (CO)
TR(10/08/2018)

सत्यमेव जयते

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