

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.10.2018

C O R A M
THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Writ Petition No.25352 of 2018

PNUP KAMARAJAR MATRICULATION SCHOOL
Represented by its Secretary P.Murugesan,
No.379, Aladipatti,
Sree Kaliyamman Nagar,
Srivilliputhur-626 125,
Virudhunagar District

... Petitioner

Vs.

1. The Director of Matriculation Schools,
Directorate of Matriculation Schools,
DPI Complex,
Chennai-600 025.
2. The Inspector of Matriculation Schools,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 1st respondent, vide Na.Ka.No.5799/Aa1/2017, dated 24.10.2017 and quash the same and consequently to direct the respondents to considers the proposal dated 07.09.2017 for the upgradation of the petitioner viz., PNUP Kamarajar Matriculation School, Srivilliputhur Virudhunagar District as Higher Secondary School without insisting for approval from DTCP and pass further orders.

For Petitioner : Mr.P.H.Manoj Pandian
for Mr.M.Solaisamy

For Respondents: Mrs.V.Annalakshmi

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O R D E R

This writ petition is filed for issuance a Writ of Certiorarified to quash the impugned order passed by the 1st respondent dated 24.10.2017 and consequently to direct the respondents to consider the proposal submitted by the petitioner on 07.09.2017 for the upgradation of the petitioner School without insisting for approval of DTCP.

2. By the impugned order, the petitioner's application for upgradation of the school was refused only on the ground that without DTCP approval for the school building, no orders can be passed for upgradation of the school as Higher Secondary School.

3. Relying upon the judgment of the Division Bench of this Court in the case of The Director of Matriculation School, Directorate of Matriculation Schools, DPI Campus, Chennai-600 005. Vs. Kaviyan School represented by its Correspondent C.Deenathayalapandian reported in 2015-5-L.W.101 and several judgments by learned Single Judges of this Court following the judgment of the Division Bench, the learned counsel for the petitioner submitted that this Court has consistently taken the view that DTCP approval is not required and that this Court has disposed of several writ petitions directing the respondents to consider the application submitted by the individual institutions without insisting DTCP approval.

4. The learned counsel appearing for the respondents has no serious objections for allowing the writ petition with the direction to respondents to consider the application filed by the petitioner, in turn with the judgment of this Court relied upon by petitioner.

5. Accordingly, this Writ Petition is Allowed and the respondents are directed to consider the petitioners application for upgradation of the school as Higher Secondary School in accordance with law and without insisting DTCP approval in terms of the division bench judgment of this Court in the case of The Director of Matriculation School, Directorate of Matriculation Schools, DPI Campus, Chennai-600 005. Vs. Kaviyan School represented by its Correspondent C.Deenathayalapandian reported in 2015-5-L.W.101 and the judgment of this Court in W.P.No.15979 of 2017 dated 04.06.2018 in the case of Mahajana Vidyalaya Matriculation School Vs. The Director of Matriculation School, DPI Campus, Chennai, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Director of Matriculation Schools,
Directorate of Matriculation Schools,
DPI Complex,
Chennai-600 025.
2. The Inspector of Matriculation Schools,
Virudhunagar,
Virudhunagar District.

+lcc to Mr.M.Solaisamy, Advocate, S.R.No.69255
+lcc to the Government Pleader, S.R.No.69677

W.P.No.25352 of 2018

rrs 24/10/2018



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