

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31089 of 2018

and

W.M.P.No.36276/2018

The Mahathma Matriculation School

rep. by the Correspondent

Mr.M.Ranganathan,

S/o.M.Meharajan,

Nadukauveri,

Thiruvaiyaru Taluk,

Tanjore District.

... Petitioner

Vs

1.The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai-6.

3.The Chief Education Officer,
Tanjore Collectorate,
Tanjore.

4.The District Educational Officer,
Tanjore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to grant upgradation to the petitioner school from Middle School to High School based upon Form-D Application submitted by the school along with the representation made by the Institution dated 29.7.2018.

For Petitioner : Mr.A.Sivasankar

For Respondents : Mr.K.Karthikeyan, G.A.

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent herein to grant up-gradation to the petitioner school from Middle School to High School by considering the Form-D Application submitted by the school along with the representation made by the Institution dated 29.7.2018.

2. The case of the petitioner school is that the petitioner school, namely, the Mahathma Matriculation School having 1 to 6 standards started in the year 2001 itself and in the year 2003-2004, the 2nd respondent granted permission for conducting 7th and 8th standards. Further, the school got permission to run Middle School from the Government. The School running by the Mahathma Education Trust got registered in the year 2001 and the same is running by the Trust and their own funds. Further, the school has fulfilled all the norms as recommended by the respondents. While so, the school has submitted an application on 21.3.2016 for the up-gradation from Middle School to High School after fulfilling the common conditions for up-gradation stipulated by the respondents. Further a detailed application for up-gradation along with substantiate proof of the same was submitted on 29.7.2018 as per G.O.Ms.No.175, School Education (Gen.No.2) Department, dated 20.7.2017 to grant up-gradation to their school from Middle School to High School from the academic year 2018 to 2019. But no action has been taken on the same. Hence the present Writ Petition.

3. Learned Counsel appearing for the petitioner submitted that the 2nd respondent can very well instruct the respondents 3 and 5 to undertake an inspection to find out whether the common conditions for up-gradation from Middle School to High School have been fulfilled or not. If the answer is yes, they can consider the request of the petitioner for grant of approval/permission for upgrading their school from Middle School to High School from the academic year 2018 to 2019.

4. Learned Government Advocate appearing for the respondents submitted that the application of the petitioner school dated 21.3.2016 and Form-D application along with the representation of the petitioner school for up-gradation dated 29.7.2018 will be considered after undertaking an inspection to the said school. The same is recorded.

5. In view of the above, the writ petition is disposed of, directing the 2nd respondent to consider the application of the petitioner school dated 21.3.2016 and Form-D application along

with the representation of the petitioner school for up-gradation dated 29.7.2018 by sending a inspecting team to find out whether the common conditions for up-gradation from Middle School to High School have been fulfilled by the petitioner school and to proceed further in accordance with law. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.
- 2.The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai-6.
- 3.The Chief Education Officer,
Tanjore Collectorate,
Tanjore.
- 4.The District Educational Officer,
Tanjore District.

+1cc to Mr.A.Manojkumar, Advocate sr.no.83041

W.P.No.31089 of 2018

nr 07/01/2019