

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31087 of 2018

and

W.M.P.No.36274/2018

The Western Matriculation School

rep. by the Correspondent

Mr.Rafiq Mohammed,

S/o.M.A.Subaidu,

Vikramam,

Madhukkur P.O.,

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,
Pattukottai, 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 30.7.2018.

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 30.7.2018.

2. The case of the petitioner school is that the petitioner school, namely, the Western Matriculation School having 1 to 7 standards started in the year 2004 itself and in the year 2008, the 2nd respondent granted permission for conducting 8th standard. Further, the school got permission to run Middle School from the Government. The School running by the Mohamed Mohideen Trust got registered in the year 2004 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 22.3.2016 for the up-gradation from Middle School to High School. In response to the same, after the spot inspection, the 2nd respondent has issued Proceedings dated 22.7.2016 seeking rectification of certain queries. After rectifying the said seven queries, the school has submitted a Rectification Report to the 2nd respondent and requested for up-gradation on 30.8.2016. Thereafter, as per G.O.Ms.No.175, School Education (Gen.No.2) Department, dated 20.7.2017, on 30.7.2018, along with Form D application, the petitioner school made a detailed representation to the respondent 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 a fresh inspection to find out whether the deficiencies intimated in their communication dated 22.7.2016 are rectified 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 on inspection, if it is found that the petitioner school has rectified all the seven deficiencies pointed out as stated in their Rectification Report dated 30.8.2016, the respondents shall consider their application for up-gradation from Middle School to High School. The same is recorded.

5. In view of the above, the writ petition is disposed of, directing the 2nd respondent to consider the request of the petitioner school by sending a fresh inspecting team to find out whether the deficiencies as pointed out by the 2nd respondent by Proceedings dated 22.7.2016 have been rectified or not 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,
Pattukottai, Tanjore District.

+1cc to Mr.A.Manojkumar, Advocate sr.no.83042

+1cc to Government Pleader in sr.no.82975

W.P.No.31087 of 2018

nr 07/01/2019