



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.7927 of 2018

Next Level Kids Smart Play School,
Rep. by its Correspondent Mrs.Sathya Satheesh,
21/11, AlaguMeenal Complex,
Subramaniapuram 1st Street South, College Road, Karaikudi
Sivagangai District. ... Petitioner

Vs.

1.The District Elementary Education Officer,
Department of Elementary Education,
Sivagangai, Sivagangai District.

2.The Additional Assistant Elementary Educational Officer,
Sakkottai (Block), Karaikudi,
Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in her proceedings ADM.381/A2/18 dated 02.03.2018 and quash the same and consequently direct the 1st respondent to cause inspection of the petitioner school to be carried out by a competent committee.

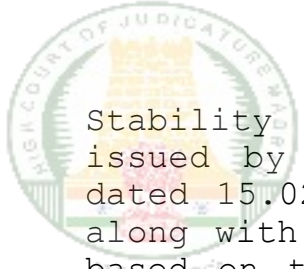
For Petitioner : Mr.V.Vijayashankar
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2.Under Regulation 6 (d) (i) of the Code of Regulations of Play Schools-2015, a Committee for inspecting the building of school, should consist of an Assistant Elementary Educational Officer (Nursery) of the concerned District and an Assistant Elementary Educational Officer of the concerned Block. In the instant case, it is the submission of the learned counsel for the petitioner that the second respondent alone had inspected the petitioner's premises and had returned the application pointing out certain alleged lacunas. The inspection made by the second respondent alone is opposed to the aforesaid Regulation 6 (d) (i) of the Regulations.

3. It is submitted by the learned counsel for the petitioner that when the petitioner had applied for approval, he had enclosed



Stability Certificate, dated 27.11.2017, School building License issued by the Tahsildar, dated 20.02.2018, Sanitary Certificate, dated 15.02.2018 and Fire and Safety Certificate, dated 08.01.2018 along with the application. All the certificates have been issued based on the inspection conducted by the respective authorities. When these authorities have satisfied themselves and issued necessary certificate, I am unable to comprehend as to how the second respondent could have come to the conclusion that there was lack of facilities for grant of approval. As such, it would be appropriate to direct for a fresh inspection to be conducted in the petitioner's School by the Committee contemplated under the aforesaid Regulation 6 (d) (i).

4. Accordingly, there shall be a direction to the first respondent to constitute a Committee, consisting of an Assistant Elementary Educational Officer (Nursery) of the District and Assistant Elementary Educational Officer of the concerned block, where the petitioner's premises is located, for fresh inspection of the petitioner's premises in Next Level Kids Smart Play School, 21/11, Alagu Meenal Complex, Subramaniapuram 1st street south, Sivagangai District.

5. Since this Court has pointed out that the inspection earlier conducted by the second respondent was not in conformity with the regulation, it would not be appropriate to appoint the same individual now, who had conducted the earlier inspections and passed the impugned order, as a member of the new committee. Such exercise shall be completed, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Education Officer,
Department of Elementary Education, Sivagangai,
Sivagangai District.
 2. The Additional Assistant Elementary Educational Officer,
Sakkottai (Block), Karaikudi, Sivagangai District.
- +2ccs to Mr. V. Vijaya shankar, Advocate, SR.No.62375

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