

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1715 of 2019

SVS Internaitonal School
Represented by its Correspondent,
Mr.Daniel Raj,
S/o.V.Vincent,
No.3/499, Thiruvarur Road,
Thiruthuraipoondi Town and Taluk,
Thiruvarur District. ... Petitioner

Vs.

1. The Director,
The Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Thiruvarur District, Thiruvarur. ... Respondents

* * *

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider and pass orders on the application of the petitioner school seeking affiliation with the CBSE Board for which No Objection Certificate without insisting upon the DTCP approval by accepting the approval by the panchayat in respect of building by the consideration of petitioner's representation dated 08.01.2019.

* * *

For Petitioner : Mr.K.Muthuramalingam

For Respondents: Mr.K.Karthikeyan
Government Advocate (Education)

O R D E R

The prayer of the petitioner is to direct the respondents to consider and pass orders on the application of the petitioner.

2. It is the case of the petitioner that petitioner school is following the CBSE curriculum and they applied for No

Objection Certificates (NOC) from the competent authorities. The first respondent sought certain clarifications, which includes production of the DTCP approval. Though the petitioner requested the respondents to address its grievance, the same was not redressed. Hence, the petitioner made a representation dated 08.01.2019 to the respondent to issue No Objection Certificate for getting affiliation with the CBSE Board without insisting upon the DTCP approval by accepting the approval granted by the panchayat in respect of building. The petitioner also submitted that they had also applied for DTCP approval. Seeking a direction to the respondent to consider the said representation, the petitioner school is before this Court.

3. Learned counsel for the petitioner submitted that the petitioner school is entitled for NOC, having received the approval from the concerned panchayat. In support of his submissions, learned counsel relied upon the judgment of a Division Bench of this Court in Tamil Nadu Unaided Polytechnic Management Association V. The State of Tamil Nadu, 2018 (4) CTC 129.

4. Heard the learned Government Advocate (Education) on the above submissions. He relied on the order of this Court dated 10.12.2018 in W.P.No.18539 of 2018 etc. batch negating a similar prayer made by the educational institutions.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents to consider the petitioner's representation dated 08.01.2019 in the light of the judgments cited supra and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Director,
The Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.

+1cc to Mr.K.Muthuramalingam, Advocate, S.R.No.13211
+1cc to the Government Pleader, S.R.No.12865

W.P.No.1715 of 2019

CP(CO)

rrs 13/03/2019



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