

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17083 of 2009

Eternal Word Trust

A registered Charitable Trust,

No.11 F, Murugesan Nagar,

Chennai 600 049.

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Educational Department,
Fort ST.George, Chennai 600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai - 600 006.
3. The Chief Educational Officer,
Office of the Chief
Educational Officer,
Thiruvallur, Thiruvallur District,
4. The District Educational Officer,
Villivakkam Ambattur,
Chennai - 600 053.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to grant recognition from the academic year 2009-2010 St. Anna High School at Zion Street, Thirumullaivoyal, Chennai 600 092 established and maintained by the petitioner.

For Petitioner : Mr.Devadason

For Respondents : Mr.A.Rajaperumal,
Additional Government Pleader.

O R D E R

The petitioner has filed this Writ Petition, to issue a writ of Mandamus, directing the second respondent to grant recognition from the academic year 2009-2010 to the St. Anna High School at Zion Street, Thirumullaivoyal, Chennai - 600 092 established and maintained by the petitioner.

2. The petitioner trust is a public charitable trust. The trust came into existence on 5th April 1999 pursuant to a deed of declaration of trust registered as document No.528/99 on the file of Joint Sub Registrar, Madras North. The petitioner trust started primary school in the name St. Anna Nursery and Primary School and they were also granted recognition for the same. Thereafter, they submitted application for recognition of the St. Anna High School in June 2006 for classes from 6th standard to 10th standard. The office of Director of School Education is refusing to give recognition to the school. Hence, the Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents has filed a counter affidavit. It reveals that the proposal of the petitioner has been forwarded to the Director of School Education by the IIIrd respondent vide his letter dated 06.06.2009 for necessary orders. The Director of School Education ie., the 2nd respondent has replied in the letter dated 14.07.2009 with the remarks that the proposals for opening of new high school should be submitted before 31st December of the earlier year to the appropriate authority as per rule 5 of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. The proposals submitted belatedly cannot be considered for the year 2009-2010. The proposals should be submitted in full shape well in advance for upgrading to school during 2010-2011. Therefore, the learned Additional Government Pleader submitted that the proposal of the petitioner as sought for in the present writ petition should not be granted.

4. In view of the submissions made by the learned Additional Government Pleader, it is evident that the petitioner did not make the representation in accordance with the rules in force. Therefore, this Writ Petition is liable to be dismissed. However, liberty is granted to the petitioner to make appropriate representation in accordance with the rules and regulations before the Authorities in the manner known to law.

5. Accordingly, the present writ petition stands

dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmm
To

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
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Chennai - 600 053.

+1cc to Mr.Devadason , Advocate SR.No. 64479
+1 cc to Government Pleader Sr.No. 64706

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A.SK(09/10/2019)

सत्यमेव जयते

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