

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3310 of 2019

Srinivasa Charitable Trust
Rep by its Secretary,
M.Rajendra Naidu,
No.6, Maruthi Nagar,
Gandhi Nagar West,
Vellore - 632 006.

.. Petitioner

Vs.

1. The Principal Secretary
Department of School Education,
Secretariat, Government of Tamil Nadu,
Chennai - 600 009.
2. The Director of School Education,
DPI, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
DPI, College Road,
Chennai - 600 006.
4. The District Educational Officer,
Collector Office, Vellore - 632 009.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the Petitioner's Trust dated 13.12.2018 in accordance with law and issue NOC and recognition letter to Sri Srinivasa Vidyashram (CBSE) School, Vellore to seek further affiliation from Central Board of Secondary Education to secure ends of justice.

For Petitioner : Mr.R.Sankara Subbu

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

O R D E R

The petitioner-Trust has come up with this Writ Petition seeking a direction to the respondents to consider the representation dated 13.12.2018 to issue NOC and recognition letter to Sri Srinivasa Vidyashram (CBSE) School, Vellore and to grant affiliation and minority status to them.

2.The case of the petitioner is that he is the Secretary of the Srinivasa Charitable Trust at Vellore District, which is a minority Trust of linguistic Telugu Minority School. The said Trust is running a Sri Srinivasa Vidyashram (CBSE) School, Vellore since 2015. All the members of the Trust have hailed from Andhra Pradesh and settled in Vellore and in order to impart education to Telugu speaking minority people, a resolution was passed on 02.06.2015 and it came into force on 22.06.2015. On 30.07.2017, the petitioner-School had applied for approval of minority institution through on-line. The petitioner-School has also submitted a representation dated 02.11.2015 to the respondents 2 and 3 and to the first respondent on 13.12.2018 along with all the documents as claimed by the Central Board of Secondary Education (CBSE).

3.Earlier, the Petitioner-Trust had filed a Writ Petition in W.P.No.22850 of 2018 seeking a direction to the respondents to consider their representation dated 06.07.2018 in accordance with law and grant sanction of Minority Status to Sri Srinivasa Vidyashram (CBSE) School, Vellore and this Court, by an order dated 04.09.2018, directed the respondents to consider the said representation within a period of four weeks from the date of receipt of copy of that order. Subsequent to the same, the second respondent, vide his proceedings in Na.ka.No.050526/G2/E3/2018 dated 09.10.2018, directed the fourth respondent to inspect the School and submit a status report to the first respondent, and the petitioner-Trust was also served with a copy of the said communication. Accordingly, the fourth respondent team had visited the school and collected all the necessary documents for issuance of NOC and recognition letter. Thereafter, there is no progress. Hence, the petitioner has sent another representation dated 13.12.2018 seeking to issue NOC, recognition letter and also to grant affiliation and Minority Status to them. Since the said representation is yet to be disposed of by the first respondent, the petitioner has filed this Writ Petition for the relief stated supra.

4. Mr.R.Karthikeyan, learned Government Advocate (Education) takes notice on behalf of the respondents submitted that that the State Minority Commission is the authority to consider the representation of the petitioner.

5. Though, it is stated that it is only the State Minority Commission has got the Authority to consider the representation of the petitioner, the second respondent could as well consider the same and forward it to the appropriate authority.

6. 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 second respondent to forward the representation of the petitioner-Trust dated 13.12.2018 to the appropriate authority and pass appropriate orders, who in turn, shall consider the same 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.

7. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn/av

To

1. The Principal Secretary
Department of School Education,
Secretariat, Government of Tamil Nadu,
Chennai - 600 009.

2. The Director of School Education,
DPI, College Road, Chennai - 600 006.

3. The Chief Educational Officer,
DPI, College Road, Chennai - 600 006.

4. The District Educational Officer,
Collector Office,
Vellore - 632 009.

+1cc to Mr. R. Sankarasubbu, Advocate, S.R.No.10291
+1cc to the Government Pleader, S.R.No.10774

W.P.No.3310 of 2019

SJ(CO)
rrs 11/03/2019