

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4507 of 2019

C.S.I. Gnanasiromony Matriculation School,
Rep. by its Correspondent,
C.Saraswathi Bai,
Irenepuram,
Kanyakumari District - 629 197. .. Petitioner

Vs.

The Director,
The Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006. .. Respondent

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to receive and process the application dated 02.06.2017 followed by representation dated 06.12.2018 of the petitioner for grant of Recognition to start a Matriculation School without insisting upon Building Plan approval from the Directorate of Town and Country Planning (DTCP) in view of settled proposition of law.

For Petitioner : Mr.E.Vijay Anand

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

O R D E R

The prayer of the petitioner is to direct the respondent to receive and process the application dated 02.06.2017 followed by representation dated 06.12.2018 for grant of recognition to start a Matriculation School without insisting upon Building Plan approval from the Directorate of Town and Country Planning (DTCP) in view of settled proposition of law.

2. It is the case of the petitioner that the petitioner school wanted to start a school and submitted an application dated 02.06.2017 for grant of recognition to commence classes

from L.K.G. to VIII standard. The respondent vide its proceedings No.4678/A4/2017 dated 27.09.2017 has rejected the petitioner's request stating that the building plan approval was not granted by Directorate of Town and Country Planning (DTCP). The petitioner states that the building plan was approved by the Competent Authority, namely, the Executive Officer, Village Panchayat, which fact was not considered by the respondent. Hence, the petitioner made a representation dated 06.12.2018 to the respondent to issue No Objection Certificate for upgrading the school 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 06.12.2018 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 six 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-V)

//True Copy//

Sub Assistant Registrar

rsi

To

The Director,
The Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.

+1 cc to Mr.E.Vijay Anand, Advocate, S.R.No.14392

+1 cc to the Government Pleader, S.R.No.15163

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RV(CO)
SSM(23/04/2019)



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