

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.02.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.12240 of 2018 and W.P.No.10642 of 2018
and W.M.P.Nos.14294 to 14296 of 2018 and 12586 of 2018

W.P.No.12240 of 2018

1. M.Punitha
2. P.Malleeswari
3. C.Sakthi
4. R.Vanitha
5. K.Uma
6. R.Menaka
7. P.Kavitha
8. M.Alageswari
9. R.Shanthi
- 10.K.Kalaiselvi
- 11.N.Sampooranam
- 12.S.Bhuvaneshwari
- 13.S.Mynavathi.
- 14.C.Deepika
- 15.A.Karthik
- 16.A.Jamuna
- 17.C.Rajeswari.
- 18.V.Sathiya
- 19.K.Mageswari.
- 20.S.Kanagamani.
- 21.A.Natarajan
- 22.S.Saraswathi.
- 23.M.Pushpa
- 24.S.Sekar

.. Petitioners

सत्यमेव जयते
Vs.

1. The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.
2. The Joint Director of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.
3. Inspector of Matriculation Schools,
Chief Educational Office Complex,
Erode 638 001.

4. The Chief Educational Officer,
Namakkal District.
5. The Divisional Revenue Officer,
Tiruchengode
Namakkal District.
6. The Tahsildar,
Komarapalayam, Namakkal District.
7. J.K.A.Kumararajah.
8. Inspector of Matriculation Schools,
Municipal Hr.Sec.School Campus,
Fort, Salem 636 001.
9. Annai Sellammal Matriculation School,
Situated at No.226, Salem Main Road,
Komarapalayam, Tiruchengode Taluk,
Namakkal District 638 183.
Rep by its Correspondent.
Ve.Radhakrishnan
10. The District Collector,
Namakkal District ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records relating to proceedings of the second respondent in Na.Ka.No.3433/Aa1/Aa5/2015 dated 10.04.2018 and quash the same and consequently direct the respondents 1 and 2 to renew the recognition granted for running 9th respondent-School with class L.K.G to X standard.

For Petitioners : Mr.N.Stalin

For Respondents-1 to 6
8 and 10 : Mr.K.Karthikeyan
Government Advocate (Edn)

For Respondent-7 : Mr.R.Marudhachalamurthy
For Respondent-9 : Mr.S.Saravanansatheesh

W.P.No.10642 of 2018

Annai Sellammal Matriculation School,
Situating at No.226, Salem Main Road,
Komarapalayam, Tiruchengode Taluk,
Namakkal District 638 183.
Rep by its Correspondent.

Ve.Radhakrishnan

..Petitioner

vs-

1. The Director of Matriculation Schools,
DPI Campus, College Road, Chennai 600 006.
2. The Joint Director of Matriculation Schools,
DPI Campus, College Road, Chennai 600 006.
3. Inspector of Matriculation Schools,
Chief Educational Office Complex, Erode 638 001.
4. The Chief Educational Officer,
Namakkal District.
5. The Divisional Revenue Officer,
Tiruchengode, Namakkal District.
6. The Tahsildar,
Komarapalayam, Namakkal District.
7. J.K.A.Kumararajah.
8. Inspector of Matriculation Schools,
Municipal Hr.Sec.School Campus,
Fort, Salem 636 001.Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records relating to proceedings of the second respondent in Na.Ka.No.3433/Aa1/Aa5/2015 dated 10.04.2018 and quash the same and consequently directing the respondents 1 and 2 to renew the recognition granted for running Petitioner -School with class L.K.G to X standard.

For Petitioners : Mr.S.Saravana Satheesh

For Respondents-1 to 6 and 8
: Mr.K.Karthikeyan
Government Advocate (Edn)

For Respondent-7 : Mr.R.Marudhachalamurthy

COMMON ORDER

Challenging the order dated 10.04.2018 passed by the second respondent in Na.Ka.No.3433/Aa1/Aa5/2015 and seeking a direction to the respondents 1 and 2 to renew the recognition granted for 9th respondent-School for running classes from class L.K.G to X standard, the petitioners in both Writ Petitioners are before this Court.

2. In W.P.No.10642 of 2018, Annai Sellammal Matriculation School is the petitioner and in W.P.No.12240 of 2018, the teachers in the said School are the petitioners. The said School was granted permission for running classes from I to IX Standard from 10.09.2007 to 15.09.2010. Subsequently, an inspection was conducted by the third respondent in the School and based on the report submitted by him, the first respondent, vide his proceedings in Na.Ka.No.6679/A1/2012 dated 20.09.2012, granted recognition to the School for running classes from L.K.G to VIII Standard under the provisions of the Right of Children to Free and Compulsory Education Act, 2009. In the year 2010, the School had applied for renewal of recognition with all necessary documents including structural stability certificate etc., for the period from 2010 to 2014. After scrutinising all the necessary documents, the respondents 1 to 3 renewed the recognition for the said period (i.e) 2010 to 2014. In the year 2011, in order to upgrade the School from Nursery and Primary to Matriculation School, the School sent a proposal to the respondents 1 and 2 seeking permission to start XI and X Standard and permission was also granted on 20.06.2013 for starting XI Standard in the academic year 2012-2013 and X Standard in the academic year 2013-2014. The upgrading of the School by the respondents 1 to 3 was made, based on the registered lease deeds with respect to the schedule mentioned properties, where the School was originally run.

3. However, all of a sudden, the seventh respondent, who is the landlord of the School premises, was causing disturbance to the smooth functioning of the School. Hence, a suit in O.S.No.8 of 2015 was filed by the School on the file of the Additional District Munsif Court, Tiruchengode seeking for the relief of permanent injunction, restraining the defendant therein from evicting them forcibly from the suit property, except under the due process of law. In the above said suit, an interim injunction was also granted. However, the suit was dismissed for default on 08.11.2015. Subsequently, the seventh respondent/landlord had filed a suit in O.S.No.31

of 2015 on the file of the Subordinate Court, Tiruchengode seeking to declare the Lease Deeds as null and void. While the said suit was pending, the seventh respondent had approached the District Registrar (Administration), Namakkal for cancelling the above Lease Deeds executed in favour of the School.

4. In the mean while, the third respondent had inspected the School on 30.01.2017 and pointed out certain deficiencies, which are to be rectified, vide his proceedings in A.the.Mu.No.122/A/2017 dated 26.04.2017. It is submitted that the School rectified all the deficiencies cited by the third respondent and also submitted the additional documents. While so, the eighth respondent inspected the School on 20.02.2008 and submitted a report to the second respondent. According to the School, the eighth respondent did not consider the rectifications made by them and submitted a false report. Based on the said report, the second respondent had passed the impugned order on 10.04.2018 in his proceedings in Na.Ka.No.3433/Aa1/Aa5/2015. The seventh respondent, who is the landlord, instigated the third persons to file a false complaint against the School for cancelling the licence.

5. After hearing the parties for some time, it is stated that after the impugned order was passed, the Students, who were studying in the School, were transferred to various schools and the school itself was closed.

6. Learned Government Advocate (Education) had produced the photographs, which shows that the doors were kept closed. The seventh respondent/landlord had also produced photographs to show that the possession was taken by him long back and the portion of the building was also demolished. As the children were taken by their parents and admitted in different schools, there cannot be a School without pupils. Learned Government Advocate also states that the teachers in the said School were also accommodated in other schools. Therefore, as on date, there is no school in existence.

7. As there is no school in existence, challenge to the impugned order does not arise and hence, the Writ Petitions have become infructuous.

8. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, it is open to the petitioners to seek

remedy in the manner known to law with regard to the act of the seventh respondent.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Director of Matriculation Schools,
DPI Campus, College Road, Chennai 600 006.
2. The Joint Director of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.
3. Inspector of Matriculation Schools,
Chief Educational Office Complex,
Erode 638 001.
4. The Chief Educational Officer,
Namakkal District.
5. The Divisional Revenue Officer,
Tiruchengode
Namakkal District.
6. The Tahsildar,
Komarapalayam, Namakkal District.
7. Inspector of Matriculation Schools,
Municipal Hr.Sec.School Campus,
Fort, Salem 636 001.
8. The District Collector,
Namakkal District

+2ccs to Mr.R.Marudhachalamurthy , Advocate SR.No.
14336,14335
+1 CC TO GOVERNMENT PLEADER SR.NO. 14609

W.P.No.12240 of 2018
and W.P.No.10642 of 2018
and W.M.P.Nos.14294 to 14296 of 2018
and 12586 of 2018

A.SK (20/03/2019)