

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.13301 of 2019

and

W.M.P.Nos.13407 & 13409 of 2019

Saraswathi Arivalayam High School,
Rep.by its Correspondent,
P.Arivoli,
Avatti X Road, Kallur Village,
Ma.Pudaiyur (Post),
Thittagudi Taluk,
Cuddalore (District)
Pin-606 108

... Petitioner

Versus

- 1.The Director of School Education,
College Road,
Nungambakkam,
Chennai-600 006.
- 2.The Joint Director of School Education (Higher Secondary),
College Road,
Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Cuddalore District.
- 4.The District Educational Officer,
Vridhachalam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings O.Mu.No.11586/A1/2018 dated 09.02.2019 passed by the 4th respondent herein and to quash the same as illegal and consequently direct the 3rd and 4th respondents to forward the application of the petitioner institution dated 11.04.2019 to the 2nd respondent so as to enable the 2nd respondent to grant opening permission for up-gradation of petitioner's Educational Institution from High School to Higher

Secondary School without any further delay.

For Petitioner : Mr.T.chandrasekaran
For Respondents : Mr.V.Annalakshmi
Government Advocate (Edn)

O R D E R

The petitioner institute is a private un-aided institute running school from standard 1 to 10th. They have sought for up-gradation as an Higher Secondary School, which was rejected by the District Educational Officer vide order dated 19.02.2019 on the ground that the petitioner institute does not have requisite strength.

2. In support of the said order, the District Educational Officer has relied upon the G.O.Ms.No.235, School Education Department dated 24.05.1997, wherein, the Education Department in the Government has fixed criteria and norms for up-gradation of the Middle School, High School into Higher Secondary School, fixing the total strength of students as not less than 100.

Reading of the G.O.Ms.No.235 dated 24.05.1997:

"The Government, after careful examination, direct that the criteria and norms as detailed in the annexure I and II to this order be followed for upgradation of Government/Panchayat Union/Corporation/Municipality Middle Schools into High Schools and for upgradation of High Schools into Higher Secondary Schools from 1997 academic year."

3. Clearly the said Government Order is applicable to the Government/Panchayat Union/Corporation/Municipality Middle Schools and not to private un-aided School. Therefore, the request of the petitioner on the ground of lack of strength cannot be rejected citing G.O.Ms.No.235.

4. As far as other requirements and norms prescribed by the Government, the petitioner herein has given a detailed representation to the Joint Director through his letter dated 11.04.2019. Hence the writ petition is allowed on the following terms:-

(i) The Joint Director, School Education (Higher Secondary)/second respondent herein is directed to consider the representation of the petitioner dated 11.04.2019 and if it is in order, the same may be forwarded to the first respondent for appropriate orders. While doing so, the second respondent should take note of the observation made by this Court that

G.O.Ms.No.235 fixing minimum students for up-gradation is not applicable to the private un-aided School.

(ii) The second respondent is directed to dispose the representation of the petitioner dated 11.04.2019 within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Director of School Education,
College Road,
Nungambakkam,
Chennai-600 006.
- 2.The Joint Director of School Education (Higher Secondary),
College Road,
Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Cuddalore District.
- 4.The District Educational Officer,
Vridhachalam

+lcc to Mr.T.Chandrasekaran, Advocate, S.R.No. 57227

+lcc to the Government Pleader, S.R.No. 58067

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JP(CO)
GN(07/08/2019)