

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.13779, 13781 and 13783 of 2019

Don Bosco Matriculation School,
G.N.T. Road, Karanodai,
Chennai-600 067
rep. by its Correspondent
Sr.Selvi Singarayan
D/o.Singarayan ... Petitioner in WP No.13779/2019

Holy Cross Matriculation School,
Thiruvottiyur,
Chennai-600 019
rep. by its Correspondent,
G.R.A.Jayaraman,
D/o.J.R.Arumugam ... Petitioner in WP No.13781/2019

Guruji Sri Muralidhara Swamigal
Matriculation School,
No.12, II Street, Tharanisingh Colony,
Vadapalani, Chennai-600 026
rep. by its Secretary,
K.Ramalingam,
S/o.M.Koneripillai ... Petitioner in WP No.13783/2019

The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006. ... Respondent in all W.Ps.

Prayer in W.P.No.13779/2019 : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to pass orders for upgradation of petitioner school with Higher Secondary sections based on the proposal submitted by the petitioner school dated 16.11.2018 within a time frame to be fixed by this Court.

Prayer in W.P.No.13781/2019 : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to pass orders for upgradation of petitioner school with Higher Secondary sections based on the

proposal submitted by the petitioner school dated 27.12.2018 within a time frame to be fixed by this Court.

Prayer in W.P.No.13783/2019 : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to pass orders for upgradation of petitioner school with Higher Secondary sections based on the proposal submitted by the petitioner school dated 25.04.2019 within a time frame to be fixed by this Court.

For Petitioner in all : Mr.G.Sankaran
these W.Ps.

For Respondent in all : Mr.P.Kavitha
these W.Ps. Govt. Advocate (Education)

C O M M O N O R D E R

Mrs.P.Kavitha, learned Government Advocate (Education) accepts notice on behalf of the respondent in all these writ petitions. Since the similar prayer has been made in these writ petitions, the same are taken up for final hearing together at the admission stage itself, with the consent of the learned counsel on either side.

2. The petitioner school in W.P.No.13779 of 2019 was established in the year 1996 and it is now under the administration of Sister of Charity. It was granted permission as per the proceedings of the Director of School Education. Subsequently, temporary recognition was granted to the said School on 27.09.1996. Thereafter, on 12.08.1999, the Director of School Education granted recognition to the said School for 10th Standard and it has been periodically extended under the provisions of the Matriculation Code. In order to provide complete school education within their School campus to the children in and around the village, the School Management decided to upgrade the existing Matriculation High School to one of Higher Secondary School from the academic year 2019-2020. Further, the petitioner School had also satisfied the requisite conditions as stipulated in G.O.Ms.No.175, School Education Department, dated 20.07.2017 relating to minimum land area. Hence, the petitioner School made a proposal to the respondent as early as on 16.11.2018 along with all the particulars with regard to the infrastructural and instructional facilities available in the School for upgradation of the School upto 12th Standard. But, there was inaction on the part of the respondent in not considering the said proposal and hence, the petitioner has approached this Court by way of filing the present Writ Petition for the above said prayer.

3. Similarly, the petitioner school in W.P.No.13781 of 2019 was established in the year 1995. It was granted permission as per the proceedings of the Director of School Education for running Standards I to VIII. Subsequently, temporary recognition was also granted to the said School. Thereafter, on 18.12.2000, the Director of School Education granted recognition to the said School for 10th Standard and it has been periodically extended under the provisions of the Matriculation Code. The School Management decided to upgrade the existing Matriculation High School to one of Higher Secondary School from the academic year 2019-2020 and satisfied the requisite conditions stipulated in G.O.Ms.No.175, School Education Department, dated 20.07.2017 and submitted the proposal to the respondent as early as on 27.12.2018 for upgradation of the School upto 12th Standard. Since the same is pending consideration, the petitioner is before this Court.

4. Guruji Sri Muralidhara Swamigal Matriculation School filed W.P.No.13783 of 2019. It is the case of the petitioner school that it was established in the year 2000 and was granted permission as per the proceedings of the Director of School Education dated 08.12.2000. Subsequently, temporary recognition was granted to the said School for running classes I to VII. Thereafter, on 15.11.2002, the Director of School Education granted recognition to the said School for running classes VIII to X and it has been periodically extended under the provisions of the Matriculation Code. Since the School Management decided to upgrade the existing Matriculation High School to one of Higher Secondary School from the academic year 2019-2020 to cater to the educational needs of the children in and around the village and also the petitioner School satisfied the requisite conditions provided under G.O.Ms.No.175, School Education Department, dated 20.07.2017, the petitioner School submitted a proposal to the respondent on 25.04.2019. Seeking a direction to the respondent to pass orders on the said proposal, the petitioner instituted the present Writ Petition.

5. Heard Mr.G.Sankaran, learned counsel for the petitioner and Ms.P.Kavitha, learned Government Advocate (Education) for the respondent and perused the materials available on record.

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 case, directs the respondent to consider the case of the petitioners, based on their proposals dated 16.11.2018, 27.12.2018 and 25.04.2019 as per the Rules and Regulations for upgradation of the School and pass reasoned orders, on merits and in accordance with law, after issuing notice to the petitioners 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.

With the above directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

gg

To

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

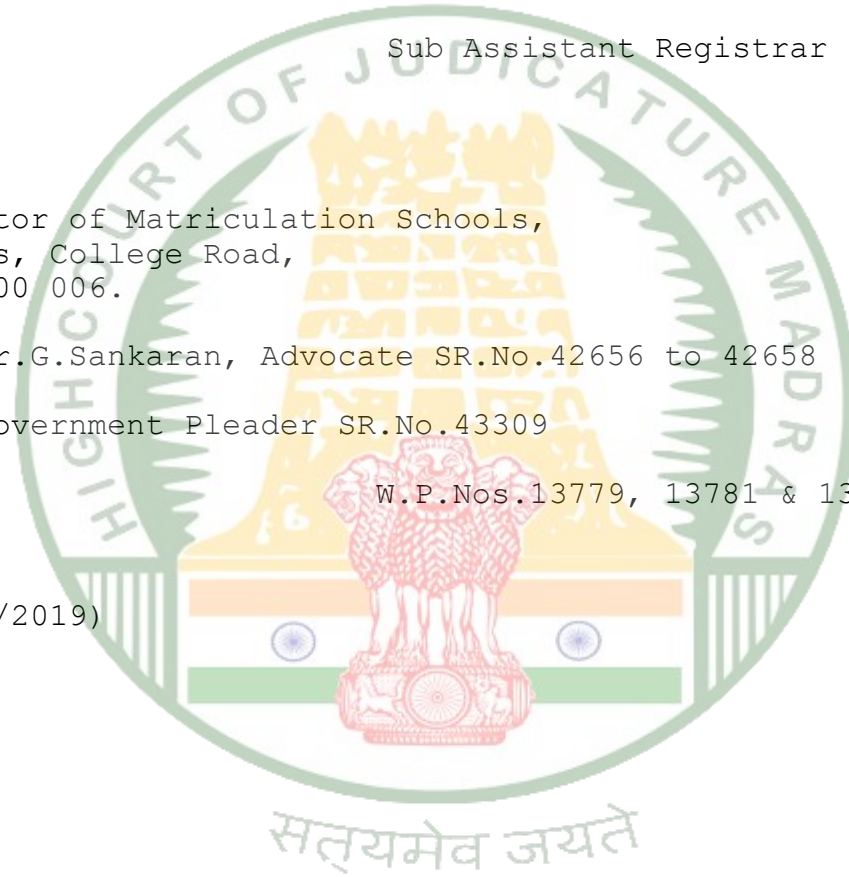
+3cc to Mr.G.Sankaran, Advocate SR.No.42656 to 42658

+1cc to Government Pleader SR.No.43309

W.P.Nos.13779, 13781 & 13783 of 2019

RJI (CO)

GMV (19/06/2019)



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