

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT TEEKAA RAMAN

W.P.No.14647 of 2019 and
W.M.P.Nos.14643 of 2019

Jesus Garden Nursery and Primary School
Voyalur, Minjur - 601 203
Thiruvallur District, rep.by its Correspondent
M.Ravindran. Petitioner

Vs.

- 1.The Director of Elementary Education
DPI Campus, College Road, Chennai-600 006.
 - 2.The Chief Educational Officer,
Thiruvallur District, Thiruvallur.
 - 3.The District Educational Officer
Ponneri, Thiruvallur District.
 - 4.The Block Educational Officer
Minjur - 601 203, Thiruvallur District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the second respondent in Memo No.1212/E1/2019 dated 11.05.2019 and to quash the same and consequently direct the respondents to pass appropriate orders for granting opening permission / recognition to the petitioner school for running nursery and primary school with standards LKG to V, based on the proposal submitted by the petitioner school for running Nursery and Primary School dated 22.10.2018 within a time frame to be fixed by this Hon'ble Court

For Petitioner : Mr.G.Sankaran

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

O R D E R

Mr.K.Karthikeyan, learned Government Advocate (Education) takes notice for the respondents. By consent of both the parties, the main writ petition itself is taken up for disposal. The core point that has to be considered is whether the show cause notice, which is challenged in the writ petition is to be set aside.

2. The impugned show cause notice dated 11.05.2019 has been issued by the respondents, calling upon the petitioner school to show cause as to why action should not be taken against the petitioner for running the school without obtaining necessary certificate of Recognition from the competent authority, as per the provisions of Section 18(1) of The Right of Children to Free and Compulsory Education Act, 2009. Learned counsel for the writ petitioner would submit that the petitioner school had already submitted necessary proposal in the prescribed format coupled with supporting documents in the month of October 2018 to the competent authority and the same is also recommended by the Block Educational Officer to the District Educational Officer in Na.Ka.No.441/A2/2018 dated 26.10.2018. However, without passing any orders on the said proposal for recognition, the impugned show cause notice has been issued.

3. Taking into consideration the narrow compass and the facts and circumstances of the case, there shall be a direction to the respondents to consider and pass orders on the proposal submitted by the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order, and until such time, no coercive steps shall be taken by the respondents. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (VO)

//True copy//

Sub Assistant Registrar

KST

To

1.The Director of Elementary Education
DPI Campus, College Road, Chennai-600 006.

2.The Chief Educational Officer,
Thiruvallur District, Thiruvallur.

3.The District Educational Officer
Ponneri, Thiruvallur District.

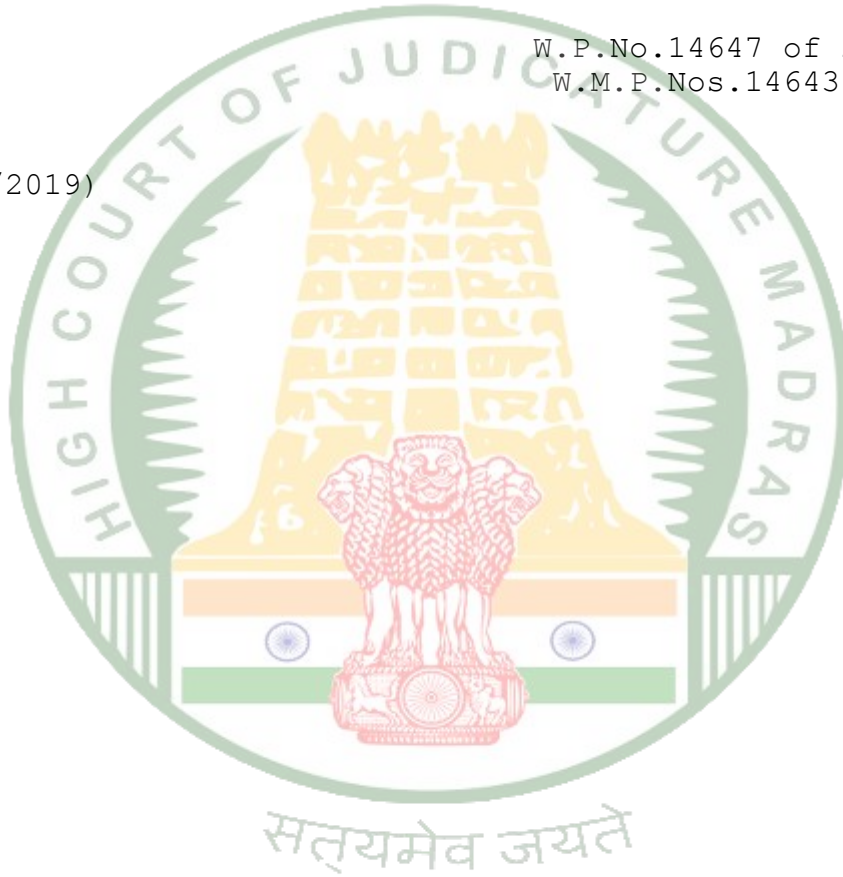
4.The Block Educational Officer
Minjur - 601 203, Thiruvallur District.

+1cc to Mr.G.Sankaran, Advocate SR.No.44184

+1cc to Government Pleader SR.No.44173

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SV(CO)
GMY(27/05/2019)



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