

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Writ Petition No.15404 of 2019
and
WMP.No.15362 of 2019

M/S V.N.R.Vivekananda Vidyalaya,
Rep., by its Correspondent,
Mr.N.Subramania Reddiar,
Vivekananda Garden, Gangaiamman Nagar,
Maduravoyal, Chennai - 600 095 Petitioner

Vs

1. Director of School Education,
DPI Complex, Nungambakkam,
Chennai - 600 006.
2. Chief Educational Officer,
Thiruvallur District,
Thiruvallur.
3. District Collector,
Chennai.
4. District Educational Officer,
Ambattur, Chennai.
5. Regional Educational Officer,
Villivakkam, Chennai.

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the entire records resulting in issuance of show cause notice issued in Memo No.03935/M/2019, dated 09.05.2019 by the second respondent issued by the second respondent and quash the same consequently direct the respondents to consider the explanations given by the petitioner-School for recognition as per law within a stipulated period.

For petitioner : Mr.C.Umashankar

For Respondent : Mrs.V.Annalakshmi
Government Advocate

ORDER

The writ petitioner herein is a School, falling within the meaning of School as defined under RTE Act, 2009 as per the communication issued by the Ministry of Human Resource Development dated 14.03.2018.

2 While so the CEO of Thiruvallur District has issued show cause notice dated 09.05.2019 to the petitioner's School as to why action has not been taken against them for running an un-recognized School. In the said show cause notice, the petitioner has sent reply along with the documents dated 15.05.2019. Despite the explanation submitted by the petitioner herein, the second respondent herein has gone to the press and informed that the petitioner's School is an un-recognized School, which has created kiosk in the administration of the petitioner's institution and also brought disrepute to the School. Hence, the petitioner herein has approached this Court, seeking Certiorari Mandamus to quash the impugned notice of the second respondent dated 09.05.2019 and to direct the respondent to consider the representation of the petitioner's School for recognition as per law.

3 The learned Government Advocate would submit that as far as the petitioner's School is concerned, it is not recognized by the Government of Tamilnadu. Therefore, the second respondent has informed to the general public for their welfare that the petitioner's School is not a recognized institute.

4 On considering the rival submissions, this Court finds that the petitioner's institution has obtained permission and recognition from the National Institute of Open Schooling, which falls within the Ministry of Human Resource development, Government of India. The institute has also been accepted by the Government of Tamilnadu as a accredited agency of National Institute of Open Schooling Government by order in GOMS 45 dated 11.05.2004 issued by the School Education Department. In addition, the Ministry of Human Resource Development, Department of School Education by letter dated 14.03.2018 has communicated to all the Secretaries in the Education Department of the States and Union Territories, as under

"You may like to issue necessary instructions to all concerned that all institutions/Schools

affiliated to NIOS through their partner institutions, fulfilling the norms and standards specified in the Section 18 of RTE Act 2009 but not affiliated to any state board may be treated as Schools under the RTE 2009"

5 Thus the Central Government under the above said G.O has directed the secretaries to issue necessary instructions to all the concerned institutions affiliated to National Institute of Open Schooling, through their partner Institution fulfilling norms and standard. Specified under Section 18 of the RTE Act 2009, but not affiliated to any State Board may be treated as School under RTE Act 2009. While so, it is clear as crystal that the petitioner's institution is a School as per the definition under RTE Act, 2009 and the same has been reiterated by Human Resource Development Department, Union of India.

6 In the said circumstances the second respondent ought not to have gone to the press informing the general public that the petitioner's institution is an un-recognized institution.

7 Be that as it may be, the petitioner School has given an explanation to the second respondent vide letter dated 15.05.2019 enclosing all the relevant documents. The second respondent therefore shall not delay any further to issue appropriate order based on the representation and communicate the same to the petitioner's institution. Further it will be also appropriate to direct the second respondent to issue a press statement regarding the status of the petitioners School which will undo the damage caused to the petitioner School. Time for compliance of the above direction is three weeks from the date of receipt of copy of this order.

8 With the above directions the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

sbn/rpl

To

1. Director of School Education,
DPI Complex, Nungambakkam,
Chennai - 600 006.

2. Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

3. District Collector,
Chennai.

4. District Educational Officer,
Ambattur, Chennai.

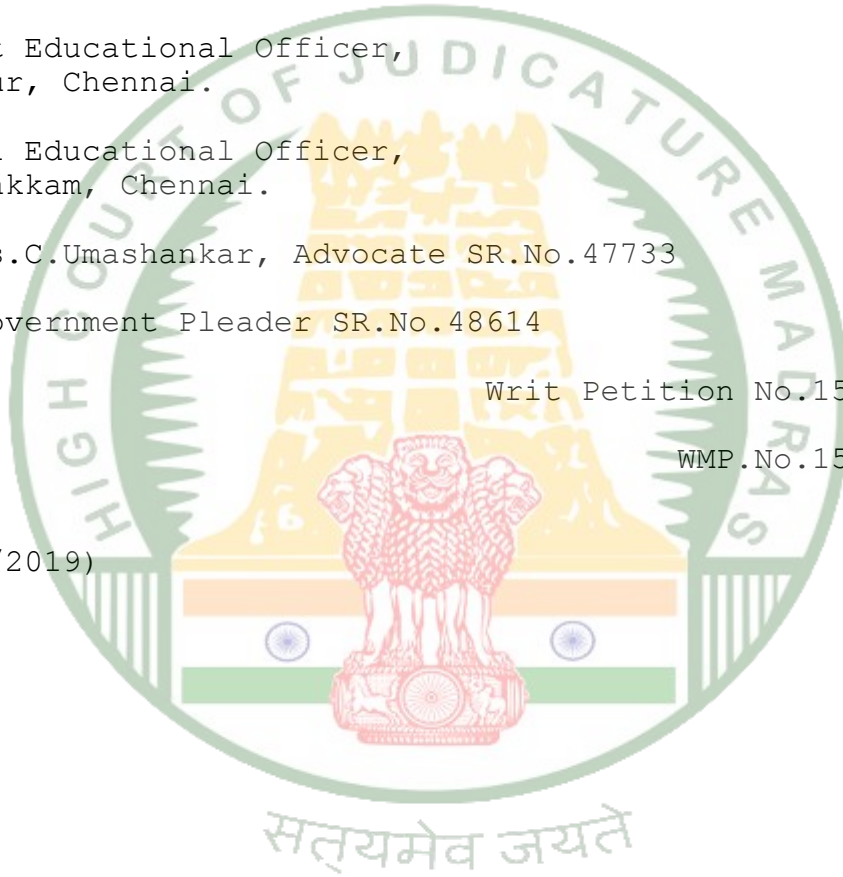
5. Regional Educational Officer,
Villivakkam, Chennai.

+1cc to Ms.C.Umashankar, Advocate SR.No.47733

+1cc to Government Pleader SR.No.48614

Writ Petition No.15404 of 2019
and
WMP.No.15362 of 2019

RSI (CO)
GMY (05/07/2019)



WEB COPY