

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.15519 and 15524 of 2019

And

W.M.P.Nos.15428 and 15433 of 2019

Sri Raasi Nursery and Primary School,
Rep. by its Correspondent,
Thanigaimani ... Petitioner in W.P.No.15519 of 2019

Krushnaa Vidyalaya Nursery and Primary School,
Rep. by its Correspondent,
G.P.Krishna Kumar ... Petitioner in W.P.No.15524 of 2019

Vs.

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

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

... Respondents in both the W.Ps.

3.The District Educational Officer,
Ponneri,
Thiruvallur District.

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

... Respondents in W.P.No.15519 of 2019

3.The District Educational Officer,
Avadi Educational District,
Thiruvallur District.

4.The Block Educational Officer,
Ellapuram – 601 102
Thiruvallur District.

... Respondents in W.P.No.15524 of 2019

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the 2nd respondent in Memo.No.1212/E1/2019 dated 11.05.2019 and to quash the same and consequently directing the respondents to pass appropriate orders for granting Opening Permission/ Recognition to the Petitioner School for running Nursery and Primary School with Standards I to V and LKG to V respectively, based on the proposal submitted by the Petitioner School dated 12.10.2018 and 20.07.2018 respectively, within a time frame to be fixed by this Hon'ble Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Ms.V.Annalakshmi

Government Advocate

COMMON ORDER

The petitioner School in W.P.No.15519 of 2019 was established by the Educational Trust called 'P.M.K.Educational Trust' which is a public charitable Trust with laudable object of imparting quality education to the people belonging to the poor and the downtrodden. The petitioner School was established in compliance of the norms and standards prescribed and without any deviation after necessary permission and plan approval from the competent Authority. However,

till date the second respondent has not passed any orders on the petitioner's application for granting opening permission/ recognition. Whiles, the petitioner received the impugned show cause notice. Hence, the present writ petition has been filed.

2.The petitioner School in W.P.No.15524 of 2019 was established by the Educational Trust called 'Krushnaa Educational Trust' which is a public charitable Trust with laudable object of imparting quality education to the people belonging to the poor and the downtrodden. The petitioner School was established in compliance of the norms and standards prescribed and without any deviation after necessary permission and plan approval from the competent Authority. However, till date the second respondent has not passed any orders on the petitioner's application for granting opening permission/ recognition. Whiles, the petitioner received the impugned show cause notice. Hence, the present writ petition has been filed.

3.Ms.V.Annalakshmi, learned Government Advocate takes notice for the respondents. By consent of both the parties, the main writ petitions itself are taken up for disposal. The core point that has to be considered is whether the show cause notice, which is challenged in the writ petitions is to be set aside.

4.The impugned show cause notice dated 11.05.2019 has been issued by the respondents, calling upon the petitioners' School to show cause as to why action should not be taken against the petitioners for running the Schools 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.

5.Learned counsel for the writ petitioners would submit that the petitioners School had already submitted necessary proposals in the prescribed format coupled with supporting documents on 12.10.2018 and 20.07.2018 respectively, to the competent Authority and the same is also recommended by the Block Educational Officer to the District Educational Officer in Proc.Na.Ka.No.641/A1 dated 16.11.2018 and Na.Ka.No.284/A1/2018 dated 20.09.2018 respectively. However, without passing any orders on the said proposal for recognition, the impugned show cause notice has been issued.

6.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 petitioners, 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.

7. With the above directions, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

07.06.2019

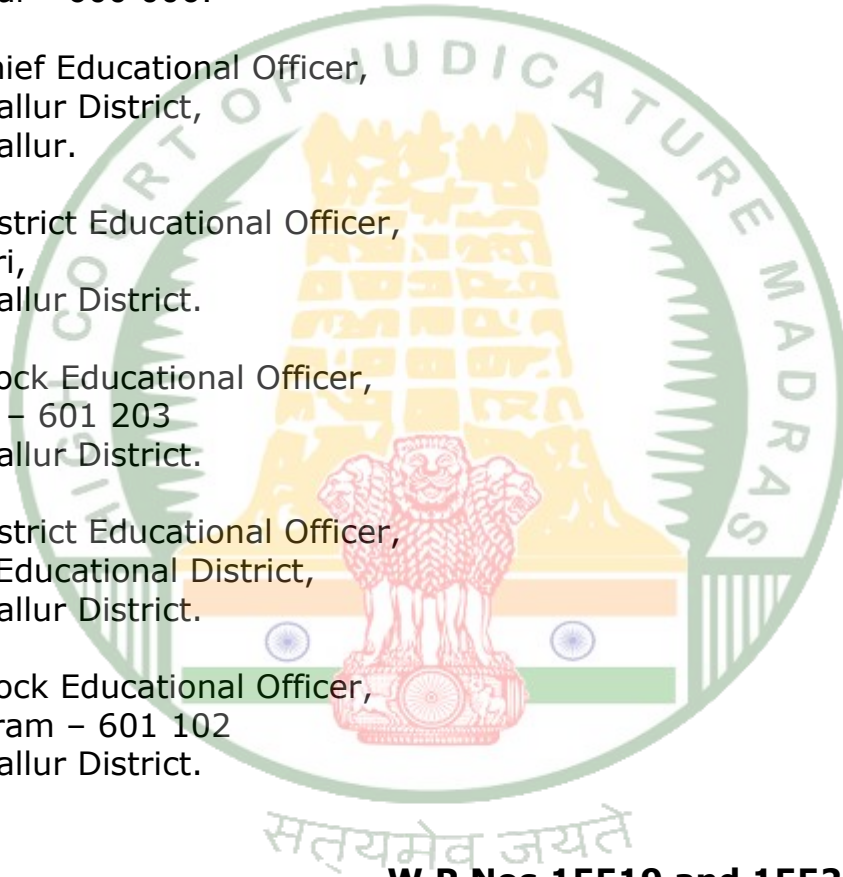


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M.DHANDAPANI,J.
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To

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- 3.The District Educational Officer,
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