

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16544 of 2019

and

W.M.P.No.16179 of 2019

Avvai Matriculation School
Jadaiyampatti (Village)
Polaiyampalli Post
Morappur 636 305, Dharmapuri District.
Rep. by its Correspondent
R.Gunasekaran ...Petitioner

Vs.

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

2.The Chief Educational Officer
Dharmapuri District
Dharmapuri

3.The District Educational Officer
Dharmapuri
Dharmapuri District

... Respondents

Prayer: The writ petition 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 proceedings issued by the 2nd respondent in Na.Ka.No.2833/A1/2019 dated 20.05.2019 and to quash the same and consequently directing the respondents to pass orders on the proposal forwarded by the petitioner school dated 26.03.2019 by granting opening permission/recognition to the petitioner school with standards L.K.G. To 9th standards from the academic year 2019-20 under the provisions of Code of Regulations for Matriculation Schools.

For Petitioner : Mr.Sankaran.G

For Respondents : Ms.V.Annalakshmi,
Government Advocate

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2.The writ petition has been 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 proceedings issued by the 2nd respondent in Na.Ka.No.2833/A1/2019 dated 20.05.2019 and to quash the same and consequently directing the respondents to pass orders on the proposal forwarded by the petitioner school with standards L.K.G. To 9th standards from the academic year 2019-20 under the provisions of Code of Regulations for Matriculation Schools.

3.The brief facts of the case is that the petitioner school has been established by "Avvai Educational Trust" with laudable object of imparting quality education to the rural poor and downtrodden. The petitioner further averred that the petitioner school has been established with all infrastructural facilities as required under the provisions of Code of Regulations for Matriculation Schools and granted with Structural Stability Certificate in Form-A, B, C, Public Building Licence - Form-D, NOC from the Department of Fire and Rescue, Sanitation Certificate from Public Health Department. Subsequently, the petitioner school submitted application / proposal to the 1st respondent through 2nd and 3rd respondents seeking for opening permission / recognition for Matriculation School with Standards L.K.G. to 9th standards enclosed with all the documents, statutory certificates and other details. Accordingly, the 3rd respondent has also caused inspection of the school in April 2019. However, no further orders have been passed by the respondents till date for granting permission / approval for running Matriculation School with standards L.K.G. To 9th standards, whereas no orders have been passed thereafter. However, in the meantime, the founder of the Trustee of Bright Educational Trust, filed a Writ Petition in W.P.No.14453 of 2019 as PIL to direct the respondent officials to take appropriate action against the petitioner school for advertising and admitting students in Avvai Matriculation School without obtaining recognition. However, on receipt of the notice in the above Writ Petition, the 2nd respondent issued the impugned communication dated 20.05.2019 directing the petitioner school not to make any admission of students on the premises as the writ petition is pending before this Court.

4.Mr.G.Sankaran, learned counsel appearing for the petitioner would fairly submit that the impugned order passed by the 2nd respondent need not be quashed. However, it is suffice

to issue a direction to the 1st respondent to consider the proposal pending before them seeking for recognition of Matriculation School with standards L.K.G. To 9th standards and pass appropriate orders within a reasonable time as this court deems it fit.

5.The learned Government Advocate appearing for the respondents would concede the request made by the petitioner.

6.In view of the limited request sought for by the petitioner, this Court is inclined to issue a direction to the 1st respondent to pass appropriate orders in accordance with law to the proposal submitted by the petitioner seeking recognition for opening Matriculation School with Standards L.K.G. to 9th standards within a period of four weeks.

7.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

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

2.The Chief Educational Officer
Dharmapuri District
Dharmapuri

3.The District Educational Officer
Dharmapuri
Dharmapuri District.

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MR(CO)
CSL/18.06.2019