

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.17141 of 2019
and W.M.P.No.16688 of 2019

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

... Petitioner

Versus

- 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.
- 5.The Director of Town and Country Planning,
Anna Salai,
Chennai-600 002.
- 6.The Deputy Director of Town Country Planning,
Thiruvallur District,
Thiruvallur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the 2nd respondent in Na.Ka.No.3347/E1/2019 dated 29.05.2019 and to quash the same and consequently directing the respondents 1 to 4 to pass orders for granting opening permission/recognition to the petitioner Nursery and Primary School with standars LKG to 5th standards for

the academic year 2019-20 without insisting DTCP approval within a time frame.

For Petitioner : Mr.Sankaran.G
For Respondents : Mrs.V.Annalakshmi
Government Advocate

O R D E R

The request of the petitioner institute for recognition cannot be considered for want of DTCP approval is under challenge in this writ petition.

2. According to the petitioner, his request for DTCP approval is pending consideration before the authorities and this Court on earlier occasion has passed an order stating that, when the application for DTCP approval is pending before the authorities, the School authority cannot reject the application for approval. In such case, recognition can be granted on condition to produce the DTCP approval within the specific time.

3. On notice, the learned Government Advocate appearing for the respondents has taken instructions from the respondents and reports that the authorities have inspected the petitioner's institute last week and the request of the petitioner for grant of recognition will be passed in accordance with law, without insisting for production of DTCP approval and in line with the judgment of this Court in W.P.No.20890 of 2016 dated 31.08.2016 which reads as below:-

"15.In the result, the writ petitions are partly allowed and the impugned orders of the 1st respondent dated 30.04.2016 made in F.No.Southern/2016/1-28666650481-LOR and F.No.Southern/2016/1-2864028021-LOR respectively, are hereby set aside and the respondents are directed to conduct necessary inspection in the petitioners' college as to the availability of the infrastructural and other facilities for starting B.Pharm Degree Course by the petitioners' Trusts other than the requirement of DTCP Approval; and pass appropriate orders as expeditiously as possible so as to enable the petitioners to start academic session relating to the said course at least from the academic year 2017-2018. The petitioners have to pay necessary inspection and other fees to the respondents for the said purpose. However, in the circumstances of the case, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed."

4. The second respondent is directed to pass order on the application of the petitioner seeking temporary approval vide its proposal dated 25.10.2018 received by the second respondent office on 09.01.2019 within a period of three weeks from today.

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

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Director of Elementary Education,
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Chennai-600 002.
 6. The Deputy Director of Town Country Planning,
Thiruvallur District,
Thiruvallur.
- +1 CC to Mr.G. Sankaran, Advocate sr 57423.
+1 CC to Govt. Pleader sr 58065.

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SP(16/07/2019)