

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/7/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.21121 of 2019
a n d
W.M.P.Nos.20319 and 20948 of 2019

K. Hareesh Kumar ... Petitioner

Vs

1. The Director of Elementary Education
College Road
Nungambakkam
Chennai 600 034.
2. The District Educational Officer
Office of the District Educational Officer
College Road, Nungambakkam
Chennai 600 034.
3. The Director
Kidz Care Nursery School
No.25/12 Ramasamy Street
Mannady
Chennai 600 001. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus to direct the first and second respondents, to close the third respondent Play School, which is running against the safety measures of children and for not adhering to the Revised Draft Code of Regulations for the Play Schools, 2015.

For Petitioner ... Mr.D.Lokesh

For Respondents... Mr.K.Karthikeyan
Government Advocate
for R.R.1 and 2

O R D E R
(Order of the Court was made by S.MANIKUMAR, J)

Instant writ petition has been filed, to direct the Director of Elementary Education, Chennai and District Educational Officer, Chennai, first and second respondents, respectively, to close Kidz Care Nursery School, third respondent, for running the same against the safety measures of children and for not following the Revised Draft Code of Regulations for the Play Schools, 2015.

2. On the basis of the information, in R.C.No.268/2019, dated 25/1/2019, furnished by the Circle Educational Officer - II, George Nagar Range, Chennai 1, addressed to the petitioner, instant writ petition has been filed and it reads as follows:-

"1. That for two schools, there was no approval/recognition has been granted thereof;

2. That for the two schools, there is no building licence has been granted thereof."

3. Procedure for grant of approval, is set out in Chapter - II of the Revised Draft Code of Regulations for Play Schools, 2015 and the same is extracted hereunder:-

"6 (c). The District Elementary Educational Officer is the competent authority for the approval and renewal of Schools within the revenue district.

(i). The fees to be paid in respect of application to open a play school shall be Rs.5,000/-.

(ii). Board displaying the competent authorities approval and indicating clearly the number and date of the order shall be fixed."

4. Mr.K.Karthikeyan, learned Government Advocate (Education) submitted that pursuant to G.O.Ms.No.101, School Education (Budget - 1) Department, dated 18/5/2018, the competent authority, for grant of approval to Play Schools is the District Educational Officer and not the District Elementary Educational Officer, as averred.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. As per the submission of the learned Government Counsel, petitioner, ought to have obtained information, from the District Educational Officer, within whose jurisdiction, Kidz Care Nursery School, Chennai, is situated. Information furnished by the Block Educational Officer, George Nagar Range, Chennai, as stated supra, is not from the competent authority.

5. When the above said fact was brought to the notice of Mr.D.Lokesh, learned counsel for the petitioner, he seeks permission to withdraw the writ petition, with liberty to institute a fresh writ petition. He has also made an endorsement to that effect.

6. Accordingly, writ petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

mvs.

To

1. The Director of Elementary Education
College Road
Nungambakkam
Chennai 600 034.

2. The District Educational Officer
Office of the District Educational Officer
College Road, Nungambakkam
Chennai 600 034.

Copy to

1. The Deputy Registrar
Records, High Court, Chennai 104.

2. The Section officer
Digitalization Section
High Court, Madras 104.

(for the Purpose of scanning the withdrawal endorsement made by the Counsel in the Writ Petition)

+1 CC to Govt. Pleader sr 63844.

Writ Petition No.21121 of 2019

PVS(CO)
SP(28/08/2019)