

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.30053 of 2019

Minerva Vidya Mandir Nursery
& Primary School represented by its
Correspondent T.N.Boopal,
15/1, Kavanoor Road,
Timiri, Arcot Taluk,
Vellore District. .. Petitioner

/versus/

- 1.The Chief Educational Officer,
Vellore-9,
Vellore District.
- 2.The District Educational Officer,
Ranipet,
Vellore District.
- 3.The Block Development Officer,
Thimiri,
Arcot Taluk, Vellore District.
- 4.The Tahsildar,
Arcot Taluk,
Arcot, Vellore District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents 1 to 4 forthwith to remove the lock and seal affixed in the School premises in Door No,15/1, Kavanoor Road, Timiri, Arcot Taluk, Vellore District in order to enable the petitioner to carry out necessary works to bring the school premises in compliance of the Rules in force in order to obtain the requisite permissions and certificates required for running the Nursery & Primary School.

For Petitioner : Mr.P.Srinivas

For Respondents : Mrs.V.Annalakshmi, GA for R1 to R3
Mr.J.Purushothaman, GA for R4

O R D E R

The petitioner's School has failed to obtain recognition from the authority for running the Nursery and Primary School, it was sealed by the District Educational Authority. Since the Order of closure issued by the District Educational Authority was the subject matter of the writ petition Nos.13979 of 2017 and 31232 of 2018, this Court after hearing the petitioner as well as the respondent on 12.04.2019 passed the following order:-

"7. In the light of the above facts, both the impugned orders dated 12.08.2016 and 08.11.2018 cannot be set aside. As the orders have been passed by the respondents, cancelling 'D' Form license and also closing of the school, the only remedy open to the petitioner is to apply afresh after complying with the deficiencies pointed out and making the structure fit for housing of Nursery and Primary School. If the writ petitioner is interested in obtaining the recognition after getting the building occupational rights, the petitioner may apply to the respondents afresh and on receipt of such application, the respondents may cause inspection and pass appropriate order in the manner known to law"

2. This Court has upheld the order of the Education department, directing the petitioner institute to close down and not to admit the students. The reason for upholding the closure order is that the petitioner's institute has lack of infrastructure facility for admitting small children and due to inefficiency in the infrastructure and safety, the order of the closure was upheld by this Court.

3. Now the grievance of the petitioner is that to rectify the deficiencies and want to de-seal the premises so that he can carry out necessary renovation in the building premises and obtain all the necessary certificates for getting recognition from the Educational department. Since the premises is sealed by the authorities, the petitioner expressed difficulty in carrying out the renovation work in the premises.

4. This Court finds that so far the petitioner has restrained himself from admitting students, there may not be any legal impediment for the 4th respondent to de-seal the premises. Hence, the writ petition is disposed of at the time of admission stage itself after hearing the learned counsel for the petitioner and the respondents for the following directions:-

Tahsildar to de-seal the premises of the petitioner's School after obtaining an undertaking from the petitioner that the premises shall not be used for any educational purpose, more particularly, to run Nursery and Primary School. The petitioner after carrying out all the necessary renovation shall apply for the recognition to the authorities concerned.

6. With the above observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Chief Educational Officer,
Vellore-9,
Vellore District.
- 2.The District Educational Officer,
Ranipet,
Vellore District.
- 3.The Block Development Officer,
Thimiri,
Arcot Taluk, Vellore District.
- 4.The Tahsildar,
Arcot Taluk,
Arcot, Vellore District.

+1cc to Mr.P.Srinivas, Advocate, S.R.No. 88819
+2cc to the Government Pleader, S.R.No. 89190, 88761

W.P.No.30053 of 2019

RSI (CO)
GN(21/11/2019)