

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.13979 of 2017 & 31232 of 2018

and

W.M.P.No.15178 of 2017 in W.P.No.13979 of 2017

W.M.P.No.36426 of 2018 in W.P.No.31232 of 2018

Minerva Vidya Mandir Nursery,
and Primary School,
Rep. by its Correspondent T.N.Bhoopal,
No.15/1, Kavanoor Road,
Timiri, Arcot Taluk,
Vellore District.

.. Petitioner in both W.Ps.

vs.

1.The District Collector,
Vellore District,
Office of the Collector at Vellore,
Vellore.

2.The Tahsildar,
Arcot Taluk,
Arcot Taluk Office,
Arcot, Vellore District.

.. Respondents in
W.P.No.13979/2017

1.The District Educational Officer,
Ranipet, Vellore District.

2.The Chief Educational Officer,
Vellore District.

3.Block Educational Officer,
Timiri, Arcot Taluk,
Vellore District - 632 512.

.. Respondents in
W.P.No.31232/2018

PRAYER in W.P.No.13979/2017: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records from the file of the 2nd respondent herein pertaining to the impugned order passed in Na.Ka.No.Aa1/153/2016 dated

12.08.2016 and quash the same and consequently direct the 2nd respondent herein to conduct personal inspection after giving an opportunity to the petitioner herein.

PRAYER in W.P.No.31232/2018: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records of the impugned order in Na.Ka.No.1604/A1/2018 dated 08.11.2018 of the 2nd respondent herein and quash the same and direct the 2nd respondent to permit the petitioner to run the school.

For Petitioner in both W.Ps. : Mr.P.Srinivas

For RR1 and 2
in W.P.No.13979/2017 : Mr.N.Inbanathan
Additional Govt. Pleader

For RR1 and 2
in W.P.No.31232/2018 : Mrs.P.Kavitha
Government Advocate

COMMON ORDER

W.P.No.13979 of 2017 has been filed for issuing a writ of Certiorarified Mandamus, calling for the entire records from the file of the second respondent herein pertaining to the impugned order passed in Na.Ka.No.Aa1/153/2016 dated 12.08.2016 and quash the same and consequently direct the second respondent to conduct personal inspection after giving an opportunity to the petitioner herein.

2. W.P.No.31232 of 2018 has been filed for issuing a writ of Certiorarified Mandamus, calling for the entire records of the impugned order in Na.Ka.No.1604/A1/2018 dated 08.11.2018 of the second respondent herein and quash the same and direct the second respondent to permit the petitioner to run the school, wherein the school was closed.

3. Heard the learned counsel appearing on both sides.

4. In W.P.No.13979 of 2017, the writ petitioner, who is the Minerva Vidya Mandir Nursery and Primary School was issued with the impugned order pointing out that there is no building in the school premises. It is only made of cement sheet roofs. An old Neem tree branches were also leaning on that, causing danger to the children studying under the roof and the branch may fall on the roof at any time, besides there is only three feet passage to reach the school. It is also stated that there is no fire extinguisher placed in the school premises. The school management also had not produced any license to run the school. There is also a complaint from one R. Gopinath for running the school without license

or permission. Hence, 'D' Form license was refused by the Tahsildar, Arcot.

5. Subsequently, the second respondent/Chief Educational Officer had passed the order in Na.Ka.No.1604/A1/2018 dated 08.11.2018, which was impugned in W.P.No.31232 of 2018, directing closure of the school, cancelling the approval. From the above facts, it is seen that the school has been closed from L.K.G. to 5th Standard, which did not have a proper infrastructure for taking in small children. The school does not have a building and other facilities are also not there, it is only covered with Asbestos sheet, which would infringe the safety of the students. When these deficiencies were pointed out by the second respondent as early as in the year 2016, the petitioner had not even cared to comply with the deficiencies and they requested the authorities to inspect the properties to enable them to get the 'D' Form license. Therefore, the school was rightly closed down by the Chief Educational Officer.

6. Be that as it may, the learned counsel appearing for the petitioner stated that they are ready to comply with the deficiencies pointed out by the respondents and requested the authorities to inspect the properties. On such satisfaction of the compliance of the deficiencies, it is open to the respondents to consider the renewal of its 'D' Form license, on production of the building license. As the school was closed, already, the second respondent/Chief Educational Officer had taken action to admit the children to nearby school to safeguard their educational interest.

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 orders in the manner known to law.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

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Sub Assistant Registrar

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To

1.The District Collector,
Vellore District,
Office of the Collector at Vellore,
Vellore.

2.The Tahsildar,
Arcot Taluk,
Arcot Taluk Office,
Arcot, Vellore District.

3.The District Educational Officer,
Ranipet, Vellore District.

4.The Chief Educational Officer,
Vellore District.

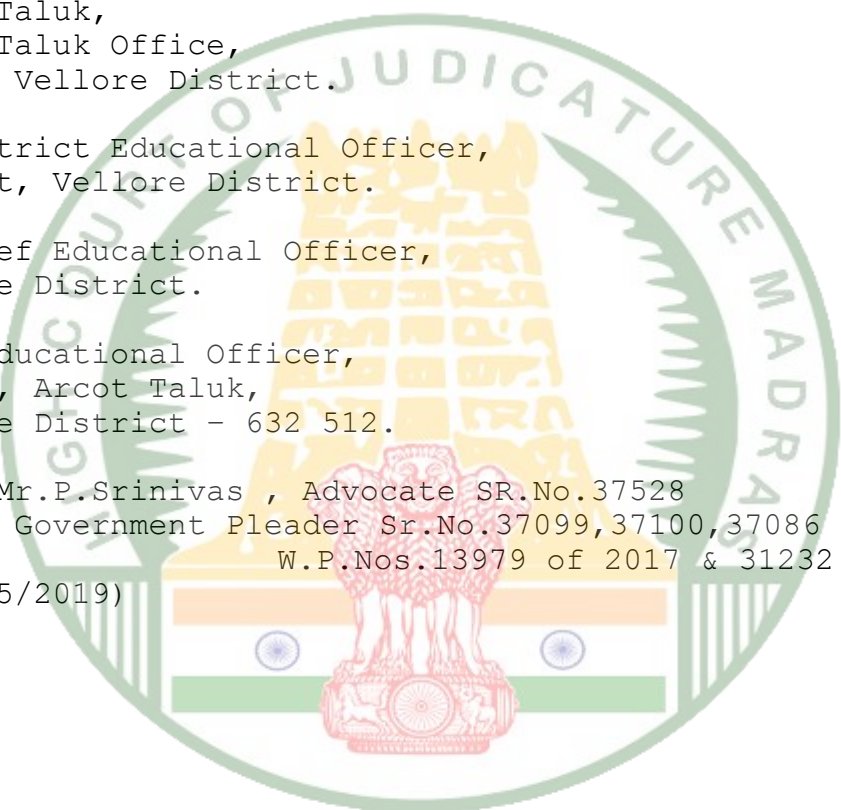
5.Block Educational Officer,
Timiri, Arcot Taluk,
Vellore District - 632 512.

+1cc to Mr.P.Srinivas , Advocate SR.No.37528

+1 cc to Government Pleader Sr.No.37099,37100,37086

W.P.Nos.13979 of 2017 & 31232 of 2018

A.SK(20/05/2019)



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