



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.32823 of 2019

and W.M.P.No.33250 of 2019

American International School Chennai,
(AISC)
100 Feet Road,
Taramani,
Chennai-600 113
rep.by its Chief Business Officer,
Alankrit V.Arora .. Petitioner

/versus/

- 1.The Chief Educational Officer,
Chennai District,
Government of Tamil Nadu,
17, College Road, Thousand Lights West,
Subba Road Avenue,
Nungambakkam,
Chennai-600 008.
- 2.The Director of School Education,
Government of Tamil Nadu,
Chennai-600 006.
- 3.The District Educational Officer,
Chennai Central,
Government of Tamil Nadu,
Chennai. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of 1st respondent's impugned order bearing Rc.No.2565/D1/2019 dated November 18 2019 and quash the same and consequently forbearing the respondents from insisting for the petitioner to obtain recognition under the provisions of the Right of Children to Free and Compulsory Education Act, 2009.



WEB COPY

For petitioner : Mr.P.S.Raman, Sr.C
for Mr.Edward James
For Respondents : Mr.C.Munusamy
Spl.Govt.Pleader

O R D E R

The petitioner institute approached this Court on an earlier occasion aggrieved by the show cause notice issued by the Government why the institute should not be closed for not getting recognition under the RTE Act.

2. Considering the submission of the petitioner and the Government, this Court directed the petitioner to submit his explanation along with documents within 15 days and the Government on receipt of the representation to pass orders within 30 days. Pursuant to the order of this Court in W.P.No.16553 of 2019 dated 29.08.2019, the Chief Educational Officer, Chennai has passed the order dated 18.11.2019, wherein it is stated that the petitioner herein has not given any explanation/application till date, even after expiry of the period stipulated by the High Court. Therefore, directed the petitioner's institute to close forthwith and to issue transfer certificate to all the students to enable them to continue their studies in any of the recognized school of their choice. The said order of Chief Educational Officer dated 18.11.2019 is under challenge in the present writ petition.

3. The prime attack on the impugned order is that the petitioner's explanation dated 03.10.2019, which was received by the respondent on 10.10.2019 was not at all considered and without considering the explanation, impugned order has been passed as if no explanation given.

4. To ascertain whether the Chief Educational Officer has received the explanation of the petitioner or not, the records were called. The perusal of the tapal register maintained by the CEO office though does not disclose the receipt of the registered post sent by the petitioner herein, on verification, the learned Additional Government Pleader fairly conceded that the explanation of the petitioner was received on 17.10.2019 at CEO office. The seal of CEO office has been affixed by the concerned tapal clerk. However, it has not been brought to the notice of the CEO, which has led to passing the impugned order without considering the explanation of the petitioner.



5. In view of the above fact, this Court while setting aside the order of the 1st respondent dated 18.11.2019 direct the 1st respondent to consider the explanation of the petitioner dated 03.10.2019 and pass appropriate orders afresh on merits. In case, the CEO needs any further clarification, the same may be obtained from the petitioner herein. After due consideration of the explanation, the 1st respondent shall pass appropriate orders on merits within a period of four weeks from today.

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

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

rpl

To

1.The Chief Educational Officer,
Chennai District,
Government of Tamil Nadu,
17, College Road, Thousand Lights West,
Subba Road Avenue,
Nungambakkam,
Chennai-600 008.

2.The Director of School Education,
Government of Tamil Nadu,
Chennai-600 006.

3.The District Educational Officer,
Chennai Central,
Government of Tamil Nadu,
Chennai.

+1 cc to Mr.Edward James Advocate sr98492
+1 cc to Government Pleader sr98929

W.P.No.32823 of 2019
and W.M.P.No.33250 of 2019

aa08/01/2020

3/6