

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27099 of 2018

Shubha Vidyalaya Matriculation School,
Represented by its Correspondent P.Subha,
No.1, Shubham Campus, Mettupalayam,
Allivalam Road,
Tiruvarur 610 001 .. Petitioner

Vs.

The Directorate of Matriculation Schools,
DPI Campus,
College Road,
Chennai 600 006 .. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to process the application dated 24.12.2013 of the petitioner followed by representation dated 04.10.2018 for upgradation of School Recognition from class 5th to 9th standard without insisting upon Building Plan approval from the Directorate of Town and Country Planning (DTCP) in view of settled proposition of law within a time frame fixed by this Court.

For Petitioner : Mr.E.Vijay Anand

For Respondents : Ms.P.Kavitha
Government Advocate (Edn)

ORDER

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus to direct the respondent to process the application dated 24.12.2013 of the petitioner followed by representation dated 04.10.2018 for upgradation of School Recognition from class 5th to 9th standard without insisting upon Building Plan approval from the Directorate of Town and Country Planning (DTCP) in view of settled proposition of law within a time frame.

2. On 24.12.2013, the petitioner-School have applied for upgrading its recognition from 5th standard to 9th standard. The Inspector of the Matriculation Schools, Thanjavur, by communication in Aa.Thi.Mu.No.23 of 2017 dated 27.01.2017, insisted that the School should obtain planning permission from the Directorate of Town and Country Planning Department. The grievance of the petitioner-School is that though they have obtained building plan approval from the Village Panchayat, the said fact was not considered by the respondent. According to the petitioner, the Village Panchayat is the Competent Authority to issue the Building Plan Approval and hence, made a representation to the respondent on 04.10.2018. Seeking a direction to the respondent to consider the said representation, the petitioner school is before this Court.

3. Learned counsel for the petitioner submitted that the petitioner school is entitled for NOC, having received the approval from the concerned panchayat. In support of his submissions, learned counsel relied upon the judgment of a Division Bench of this Court in Tamil Nadu Unaided Polytechnic Management Association V. The State of Tamil Nadu, 2018 (4) CTC 129.

4. Heard the learned Government Advocate (Education) on the above submissions. He relied on the order of this Court dated 10.12.2018 in W.P.No.18539 of 2018 etc. batch clarifying a similar prayer made by the educational institutions.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondent to consider the petitioner's representation dated 04.10.2018 in the light of the judgments cited supra and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

srn

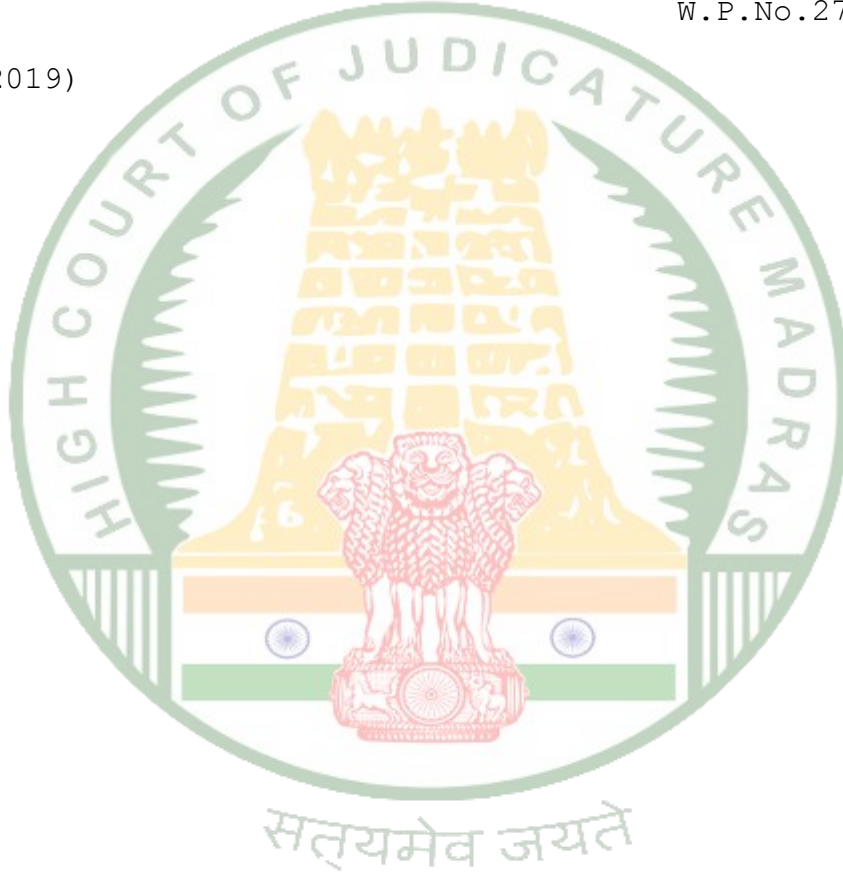
To

The Directorate of Matriculation Schools,
DPI Campus,
College Road,
Chennai 600 006

+lcc to Mr.E.Vijay Anand, Advocate, S.R.No. 20135
+lcc to the Government Pleader, S.R.No. 20528

W.P.No.27099 of 2018

SJ(CO)
GN(10/06/2019)



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