



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 9170 of 2019

Akila Bharathi Matriculation School,
Rep. by its Correspondent B. Sangeetha,
Maradi Main Road, Koottapalayam,
Thuraiyur Taluk,
Trichy District - 621 003.

... Petitioner

Vs.

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

2. The Chief Educational Officer,
Office of the Chief Educational Office,
Trichy.

... Respondents

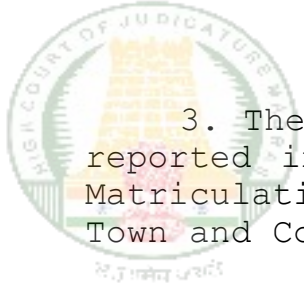
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to forward the application dated 19.09.2018 followed by representation dated 07.03.2019 of the petitioner for upgradation of the petitioner's Nursery and Primary school to Matriculation school and consequently directing the first respondent to process the petitioner's application for upgradation without insisting upon building plan approval from the Directorate of Town and Country Planning (DTCP) in view of the settled proposition of law within a time frame fixed by this Court.

For Petitioner : Mr. K. Govindarajan
For Respondents : Mrs. S. Srimathy,
Special Government Pleader.

* * *

ORDER

The Writ petitioner is running a Nursery and Primary school. She wants to upgrade the institution as Matriculation school. She has already applied in this regard on 19.09.2018. The petitioner's application is kept pending for the reason that she has not obtained No Objection Certificate from the Director of Town and Country Planning Department. Hence, the Writ petition has been filed.



3. The issue on hand is no longer res integra. In the decision reported in (2015) 2 L.W.601(Kaviyan School V. The Director of Matriculation Schools), it was held that the prior approval from the Town and Country Planning Department cannot be insisted upon.

4. The second respondent is therefore directed to forward the petitioner's application to the first respondent. This shall be done within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall consider the petitioner's petition mentioned application without such insistence and pass orders within period of twelve weeks.

5. This Writ petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Office,
Trichy.

+1 CC to SPL GP SR No.65283.

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CS: (07/06/2019) 2P 4C