



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20594 of 2019

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Arumugam Nursery and Primary School,
rep., by its Correspondent,
A.Vijayakumar

... Petitioner

/Vs./

1.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai-6.

2.The Joint Director of Elementary Education,
College Road,
Nungambakkam,
Chennai-06.

3.The Chief Education Officer,
Pudukottai District,
Pudukkottai.

4.The District Education Officer,
Aranthangai,
Pudukottai District.

5.The Block Education Officer,
Thiruvarankulam,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of third respondent in his proceedings in A.Thi.Mu.No.996/A8/2019 dated 07.02.2019 and fifth respondent in his proceedings Na.Ka.No.928/A1/2019 dated 15.05.2019 and quash the same and thereby direct the respondents 3 to 5 to grant recognition to the school run by the petitioner for upgrading the same from nursery and primary school to middle school.

For Petitioner : Mr.S.R.Sathan Boopathy
For Respondents : Mr.A.Thiagarajan
Government Advocate

ORDER

Mr.S.R.Sathan Boopathy, learned counsel on record for writ petitioner and Mr.A.Thiagarajan, learned Government Advocate who

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accepts notice on behalf of all five(5) respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

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3. Learned counsel on both sides i.e., learned counsel for writ petitioner and learned State Counsel on behalf of respondents submit without any disputation or disagreement that this matter is directly and squarely covered by the principle laid down by this Court in an order dated 05.09.2019 made in W.P(MD).No.19134 of 2019. For the purpose of setting out the principle laid down in the aforesaid earlier order with clarity, this Court deems it appropriate to extract paragraph Nos.2 to 4 of the earlier order which reads as follows:

'2. Read this in conjunction with and in continuation of earlier proceedings of this Court dated 03.09.2019, which reads as follows:

'Mr.M.Karuppasamy, learned Government Advocate accepts notice for all the five respondents and seeks short accommodation.

To be noted, the impugned order of the fourth respondent signed on 08.07.2019 appearing reference Na.Ka.No.1020/A8/2019, has directed the writ petitioner to submit certain documents and make application in the draft format.

At request of the State Counsel, list the writ petition on 05.09.2019 in the motion list.

The Registry is directed to show the name of the State Counsel in the next listing.'

3. Pursuant to the aforesaid earlier proceedings of this Court, when the matter was listed for hearing, learned State Counsel appearing for all the respondents submitted that he has obtained instructions and fifth respondent is present in Court. Taking instructions from fifth respondent, learned State Counsel submitted that if writ petitioner submits the documents listed which has been adumbrated in the impugned order being order signed by fifth respondent dated 08.07.2019 bearing reference Na.Ka.No.2556/A4/2019, fifth respondent shall forward the same to the fourth respondent for onward processing. It is submitted that the fifth respondent would so forward the papers to the fourth respondent within one week from the date of submission.



4. Learned Counsel for writ petitioner submitted that the documents adumbrated in the impugned order would be submitted within one week from the date of receipt of a copy of this order. Ultimately this Court is informed that the decision regarding upgrading the institution from nursery and primary school to middle school has to be taken by the first respondent.'

4. In the aforementioned case, application submitted by the writ petitioner was taken up, scrutinized and writ petitioner was called upon to produce several documents (twenty one (21) documents to be processed), but in the instant case, the third respondent has passed an order signed on 07.02.2019 returning the application and saying that the same has to be sent through the respondents 4 and 5.

5. Thereafter, when the application was submitted to the fifth respondent, the fifth respondent i.e., District Education Officer made an order dated 15.05.2019 bearing reference No.928/m1/2019, wherein the fifth respondent held that there is no provision for upgrading institutions from Nursery and Primary Institutions to Middle School which is untenable owing to principle laid down in aforesaid order. Therefore, in tune and tandem with the principle in the earlier order, but in the light of the factual matrix of instant case, the following order is passed and following directions are given:

(a) Impugned orders being order dated 07.02.2019 bearing reference No.A.Thi.Mu.No.996/A8/2019 and order dated 15.05.2019 bearing reference No.928/m1/2019 are set aside;

(b) Writ Petitioner shall re-submit all documents within one week from the date of receipt of a copy of this order to the fifth respondent (documents enumerated in the impugned order);

(c) Fifth respondent shall forward the same to fourth respondent within one week therefrom;

(d) Further processing by respondents 1 to 3 shall be completed within three months therefrom;

(e) The decision taken by the first respondent shall be communicated to the writ petitioner under due acknowledgment within seven(7) working days from the date of decision taken.



6.Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

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// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai-6.
- 2.The Joint Director of Elementary Education,
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- 3.The Chief Education Officer,
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- 5.The Block Education Officer,
Thiruvarankulam,
Pudukottai District.

+1 CC to Mr.A.HARIVASAGAM, Advocate (SR-89871[F] dated 27/09/2019)
+1 CC to SPL GP (SR-90535[F] dated 30/09/2019)

Order made in
W.P(MD)No.20594 of 2019
Dated:25.09.2019

rmk

MK (10.10.2019) 4P 8C