

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.8778 of 2020
and
WMP Nos.10798 & 10800 of 2020

Sharon Kids Primary School,
Rep. by its Correspondent,
X.Gilbet, Son of G.Xavier,
62, 7th Cross, Dhakshanamoorthy Nagar,
Kadirkamam, Puducherry 605 009.Petitioner

vs.

1. Union of India represented by,
The Secretary to Government,
Education Department,
Chief Secretariat,
Puducherry.
2. The Director of School Education,
Directorate of School Education,
Government of Puducherry,
Puducherry.
3. The Deputy Director,
(Elementary Education), Zone II,
Directorate of School Education,
Government of Puducherry,
Puducherry.
4. The Deputy Director (Women),
Directorate of School Education,
Government of Puducherry,
Puducherry.
5. The Deputy Inspector of School,
Zone II,
Directorate of School Education,
Puducherry.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, calling for the records pertaining to the order dated 10.02.2020 vide Endt.No.466/DDE(W)Acade /22 passed by the 5th respondent and quash the same as unconstitutional, illegal and non-est in the eyes of law and further direct the 3rd respondent to grant renewal of recognition for the academic years 2019-2020 and also to ratify the earlier renewals pertaining to the academic years 2016-2017, 2017-2018, 2018-2019 of the petitioner school.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.Syed Mustafa
(Puducherry)

ORDER

This writ petition has been filed challenging the impugned proceedings of the 5th respondent dated 10.02.2020 and for a consequential direction to direct the 3rd respondent to grant renewal of recognition for the petitioner School.

2.The case of the petitioner is that the pre Primary School was granted recognition in the year 2013. Thereafter, recognition was also granted for conducting classes for 1st standard in the year 2014. Subsequently, recognition was also granted for running the 2nd and 3rd standard in the year 2015 and 2016 respectively. The petitioner had sought for renewal of the permission for the academic year 2016-2017. The 4th respondent had issued a memorandum dated 18.05.2017 to the petitioner School directing the petitioner to submit various certificates that were enlisted in the memorandum. Subsequently, an order came to be passed on 08.09.2017, ordering for the closure of the School by the 3rd respondent. This order was challenged by the petitioner School by filing WP.No.31546 of 2017, before this Court. This Court entertained the writ petition and granted stay of the order passed by the 3rd respondent, by an order dated 06.12.2017.

3.When this writ petition was pending, according to the petitioner, the authorities had directed for the submission of a fresh application for renewal. Accordingly, a fresh application was submitted in the year 2018. The petitioner on the belief that the application will be considered, withdrew WP.No.31546 of 2017 and it was accordingly dismissed on 22.11.2018.

4.It is also seen from records that the petitioner had paid the necessary fees for the renewal and had also submitted all the relevant documents before the authorities and was seeking for the renewal of the permission to run the school.

5.The 5th respondent by memorandum dated 22.01.2020, informed the petitioner school that the inspection will be conducted on 05.03.2020. It is clear from the the annexure appended to the memorandum that the inspection was fixed on 05.03.2020. However, in the meantime, the impugned proceedings of the 5th respondent came to be passed on 10.02.2020. The grievance of the petitioner is that the impugned proceedings was passed even before the inspection was conducted.

6.Heard Mr.R.Sreedhar, learned counsel appearing for the petitioner and Mr.Syed Mustaffa learned counsel appearing on behalf of the respondents.

7.This Court does not want to go into the merits of the various submissions made by the learned counsel for the petitioner. This writ petition can be allowed on the short ground that the impugned proceedings came to be passed even before the inspection was conducted. As per the memorandum dated 22.01.2020, the inspection was fixed on 05.03.2020. However, the impugned proceedings came to be passed on 10.02.2020. The proceedings ought not to have been ordered even before the inspection. Therefore, this Court is inclined to interfere with the impugned proceedings.

8.In the result, the impugned proceedings dated 10.02.2020 is hereby quashed. The 5th respondent is directed to issue a fresh notice to the petitioner School informing the date of inspection and thereafter an inspection shall be conducted. After the inspection is conducted, the 5th respondent shall take a decision and pass appropriate orders strictly in accordance with law. This process shall be completed within a period of twelve weeks from the date of receipt of copy of this order.

This writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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Union of India
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