



WEB COPY

W.P(MD)No.9226 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD)No.9226 of 2020

and

W.M.P. (MD) .No.10858 of 2020

G.Balamurugan

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai Main Road,
ICI Boys Higher Secondary School Campus,
Tenkasi,
Tenkasi District.

2.The District Educational Officer,
Tenkasi,
Tenkasi District.

3.J.Antonypalraj,
Principal,
Green Park Matric Hr.Secondary School,
No.17, Kalidasan Nagar,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take legal action as against the 3rd respondent for establishing and collecting fees for Green Park Matric Higher Secondary School, Tenkasi, without any approval and recognition as per the provisions contemplated under the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973, and consequently direct the 1st and 2nd respondents to discontinue the functioning of Green Park Matric Higher Secondary School, Tenkasi for the academic year 2020-2021 and also to take necessary criminal action as against the 3rd respondent herein as per the proceedings of the 1st respondent in his proceedings in NA.KA.No.112/A1/2020 dated 09.03.2020, within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Ms.Lakshmi Prasanna
Government Advocate
for R1 and R2

Mr.K.Gurunathan
for R3



ORDER

This writ petition has been filed for issuance of a direction to the 1st and 2nd respondents to take legal action as against the 3rd respondent for establishing and collecting fees for Green Park Matric Higher Secondary School, Tenkasi, without any approval and recognition as per the provisions contemplated under the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973, and consequently direct the 1st and 2nd respondents to discontinue the functioning of Green Park Matric Higher Secondary School, Tenkasi for the academic year 2020-2021 and also to take necessary criminal action as against the 3rd respondent herein as per the proceedings of the 1st respondent in his proceedings in NA.KA.No.112/A1/2020 dated 09.03.2020, within a time frame fixed by this Court.

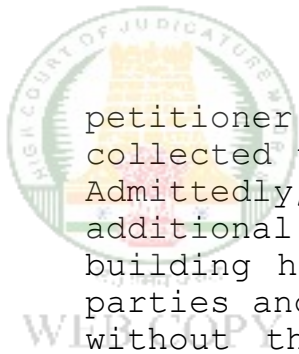
2. According to the petitioner, the third respondent without obtaining any permission started the school, collected the fees from the parents to admit the students and that the building has not at all been completed. The petitioner has also produced the photographs of the building, which has not been fully constructed. He further submitted that the appropriate direction may be taken as prayed for.

3. Ms.Lakshmi Prasanna, learned Government Advocate appearing for the respondents 1 and 2 would submit that as on date, no application is pending and that until and unless the building is properly constructed, the approval will not be granted. She further submitted that the third respondent has assured that he is not going to commence the school in the academic year 2020-2021.

4. The learned counsel for the third respondent submitted that the third respondent was originally employed under the M.K.V.K.Kandasamy Nadar Matric Higher Secondary School, Tenkasi/the petitioner herein and left the job and started the present school. It is only a rivalry between the petitioner and the third respondent and that not even a pie has been collected from the students. He further submitted that the photographs shown by the petitioner in the typeset of papers is a web-design, which has to be circulated or published by any third parties and thus, the petitioner has taken that photographs without the knowledge of the petitioner and produced before this Court. He further added that the writ petition is not maintainable as the third respondent is not going to commence the school immediately and more so, during the present academic year and that only if the permission is obtained from the proper parties, the school will commence its operation.

5. Heard both parties.

6. The petitioner is before this Court to prevent the third respondent from inducting students in an uncompleted building. The



petitioner has proceeded on the basis that the third respondent has collected the fees which has been refuted by the third respondent. Admittedly, no approval has been granted as on date and the additional typeset of papers will make it clear only 40% of the building has been completed. Taking note of the submissions of the parties and that the third respondent is not going to run the school without the completion of building and without obtaining proper permission, the relief sought for by the petitioner as such need not be granted. This court makes it very clear that no students shall be permitted to join unless and otherwise approval is obtained from the appropriate authorities. This court should not see yet another Kumbakonam incident and hence the authorities must ensure that the third respondent should comply with all the norms, only thereafter, they admit the children to the school.

7. Accordingly, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Educational Officer,
Madurai Main Road,
ICI Boys Higher Secondary School Campus,
Tenkasi,
Tenkasi District.

2. The District Educational Officer,
Tenkasi,
Tenkasi District.



+1 CC to SGP (SR-21336[F] dated 05/11/2020)

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-21414[F] dated 06/11/2020)

WEB COPY

W.P (MD) No. 9226 of 2020

04.11.2020

KUN (CO)

NR (18/12/2020) 4P : 5C