



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD)No.14891, 14940 and 15109 of 2020

W.P. (MD) No.14891/2020

M/s.Scism Rural Academy A Matriculation School
Represented by its Correspondent, A.Mohana Raja
Kamala Garden, Asir Nagar
Rasingapuram
Bodinayakkanur Taluk
Theni District- 625 528

... Petitioner

-Vs-

1.The Director

Office of the Directorate of Matriculation Schools,
DPI Compound, College Road,
Chennai.

2.The District Educational Officer,

Office of the District Educational Office,
Theni, Theni District.

3.The Commissioner,

Office of the Directorate of Town and
Country Planning Department,
807 Anna Salai
Chennai 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondents to process the petitioner's Application dated 07.12.2018 for upgradation of school recognition to that of Matriculation School without insisting upon approval from the Directorate of Town and Country Planning (DTCP) Department in the light of the law settled by this Court in KAVIYAN SCHOOL CASE reported in 2015(2) LW 601 and also in the light of G.O.Ms.No.66 dated 03.08.2020 within a time frame fixed by this Court.

For Petitioner : Mr.K.Govindarajan

For Respondents : Ms.Lakshmi Prasanna for R1& R2

For Respondent : Mr.K.P.Krishnadass - R3
Special Government Pleader



W.P. (MD) No.14940/2020

M/s.RMS International School (CBSE Curriculum)
Represented by its Correspondent J.Siluvai Hary Shelton
Bethel (Panagudi to Thandayarkulam Road)
Panagudi
Tirunelveli District. ... Petitioner

-Vs-

- 1.The Director
The Directorate of School Education,
DPI Campus, Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Office,
Tirunelveli District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondents to process the petitioner's Application dated 11.06.2020 for grant of No Objection Certificate (NOC) for the purpose of starting Central Board of Secondary Education (CBSE) school without insisting upon building plan approval form the Directorate of Town and Country Planning (DTCP) as in accordance to law laid down by this Court in KAVIYAN SCHOOL CASE reported in 2015(2) LW 601 and also taking into consideration that in the similar circumstances in the case of (a) SVS International School by proceedings vide K.Dis.NO.018003/G1-S2/2019 dated 01.10.2019 (b) HARVARD International School by proceedings vide R.C.No.043926/G-1S2/2019 dated 01.10.2019 wherein No objection Certificate (NOC) had been granted by the 1st respondent within a time frame fixed by this Court.

For Petitioner : Mr.K.Govindarajan
For Respondents : Ms.Lakshmi Prasanna for R1& R2
Government Advocate

W.P. (MD) No.15109 /2020

M/s.Dr.Abdul Kalam Public School (CBSE)
Represented by its Chairman N.R.Mohideen Musafar Ali
Pudhu Nagar, Paramakudi
Ramanathapuram ... Petitioner

-Vs-

- 1.The Director
The Directorate of School Education,
DPI Campus, Chennai.



2.The Chief Educational Officer,
Office of the Chief Educational Office,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondents to process the petitioner's Application dated 22.01.2020 for grant of No Objection Certificate (NOC) for the purpose of starting Central Board of Secondary Education (CBSE) school without insisting upon building plan approval from the Directorate of Town and Country Planning (DTCP) as in accordance to law laid down by this Court in KAVIYAN SCHOOL CASE reported in 2015(2) LW 601 and also taking into consideration that in the similar circumstances in the case of (a) SVS International School by proceedings vide K.Dis.NO.018003/G1-S2/2019 dated 01.10.2019 (b) HARVARD International School by proceedings vide R.C.No.043926/G-1S2/2019 dated 01.10.2019 wherein No objection Certificate (NOC) had been granted by the 1st respondent within a time frame fixed by this Court.

For Petitioner : Mr.K.Govindarajan
For Respondents : Ms.Lakshmi Prasanna for R1& R2
Government Advocate

COMMON ORDER

These writ petition have been filed to direct the respondents to process the application for upgrading their schools to that of Matriculation Schools and for starting CBSE Schools respectively without insisting upon the building plan approval from the Directorate of Town and Country Planning (DTCP) as in accordance to law laid down by this Court in KAVIYAN SCHOOL CASE reported in 2015 (2) LW 601 and also taking into consideration that in the similar circumstances in the case of (a) SVS International School by proceedings vide K.Dis.NO.018003/G1-S2/2019 dated 01.10.2019 (b) HARVARD International School by proceedings vide R.C.No.043926/G-1S2/2019 dated 01.10.2019 wherein No objection Certificate (NOC) had been granted by the 1st respondent within a time frame fixed by this Court.

2.According to the petitioners, for upgrading their Schools to that of Matriculation School and CBSE schools, they approached the respondents. However, the respondents are insisting for the building plan approval from the Directorate of Town and Country Planning.

3.It is the case of the petitioner Schools that their case is covered by the decision in KAVIYAN SCHOOL CASE reported in 2015(2) LW 601 and in the case of (a) SVS International School by proceedings vide K.Dis.NO.018003/G1-S2/2019 dated 01.10.2019 (b) HARVARD International School by proceedings vide R.C.No.043926/G-



1S2/2019 dated 01.10.2019, wherein, this Court has also issued directions and the first respondent has granted No Objection Certificates to the other similarly placed schools.

4. When these matters were taken up for hearing, the only objection taken by the respondents is that in terms of Section 47 of the Town and Country Planning Act 1971, permission has to be obtained from the authorities concerned.

5. In an earlier occasion, this Court, in **(2015) (2) LW 601 [Kaviyan School rep. by its Correspondent v. The Director of Matriculation Schools, Chennai]**, had considered that such approval for construction may not be required.

6. Following the said decision, these writ petitions are disposed of by directing the first respondent not to insist for such building plan approval. However, in case, if the respondents find any violation in the construction of the school building, the same can be brought to the notice of the petitioner Schools either to modify/change the structure/superstructure of the school buildings. This Court expect that the Schools have sufficient space in order to avoid one more Kumbakonam incident. Though the decision is covered, the Rule that exists as on today has to be followed and all other norms have to be complied with. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Director
Office of the Directorate of Matriculation Schools,
DPI Compound, College Road,
Chennai.



2.The District Educational Officer,
Office of the District Educational Office,
Theni, Theni District.

3.The Commissioner,
Office of the Directorate of Town and
Country Planning Department,
807 Anna Salai
Chennai 600 002.

4.The Chief Educational Officer,
Office of the Chief Educational Office,
Tirunelveli District.

5.The Chief Educational Officer,
Office of the Chief Educational Office,
Ramanathapuram District.

+1 CC to SPL GP (SR-22648,22641,22642 [F] dated 24/11/2020)

Order made in
W.P. (MD) No.14891, 14940 and 15109 of 2020
23.11.2020

VB (18.12.2020) 5P 7C