

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18/3/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.7138 of 2021

Green Valley Matriculation Higher
Secondary School
rep. By its Correspondent
Dr.Jacob Dharmaraj.

... Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Principal Secretary to Government
School Education Department
Secretariat
Fort St. George
Chennai 600 009.
2. The Director of School Education
DPI Campus
College Road
Chennai 600 006.
3. The Joint Director of School Education
(Secondary)
Directorate of School Education
DPI Campus, College Road
Chennai 600 006.
4. The Chief Educational Officer
Thiruvallur District
Thiruvallur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to grant No Objection Certificate and Recognition to the petitioner School for obtaining Affiliation from Central Board of Secondary Education Switch Over category for the academic year 2021 - 22, for submitting application before the last dated on 31/3/2021, within a time frame fixed by this Court.

For petitioner
For respondents

... Mr.G.Sankaran
... Mrs.P.Kavitha
Government Advocate

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O R D E R

This writ petition has been filed, to direct the respondents to grant No Objection Certificate and Recognition to the petitioner School, for obtaining Affiliation from Central Board of Secondary Education Switch Over category, for the academic year 2021 - 22, for submitting application before the last date i.e., on 31/3/2021, within a time frame fixed by this Court.

2. The petitioner School is a recognised School, under the provisions of Matriculation Code, now intending to change the curriculum to Central Board of Secondary Education by securing the approval from CBSE, based on the request made by the Parent Teacher Association in their Institution. For obtaining an approval from CBSE, the petitioner expected to obtain No Objection Certificate from the second respondent and a formal recognition from the second respondent.

3. In this regard, the petitioner has made a request to the second respondent for their formal recognition and for No Objection Certificate. The second respondent by Proceeding, dated 28/7/2017, directed the petitioner to take steps for closure of Matriculation School and thereafter, to make a representation to the third respondent for No Objection Certificate and accordingly, the petitioner has also closed the Matriculation School by issuing Transfer Certificate to the existing students and applied for No Objection Certificate through third respondent, on 14/3/2018. Based on the approval forwarded, the Director of Matriculation School inspected and approved the closure of petitioner School from LKG to 8th Standard as stated thereon. The fourth respondent forwarded a proposal, in Na.Ka.No.1757/A4/2020, dated 9/3/2021, in rectification of all points raised have been rectified. However, the second respondent has not taken any decision on the recommendations of the fourth respondent and therefore, the petitioner has approached this Court for the relief stated supra.

4. Mr.G.Sankaran, learned counsel for the petitioner submits that his application is lying from the year 2016 and cut off date for applying for conversion to CBSE is 21/3/2021 and even if there is any further delay in the process of issuing No Objection Certificate and recognition by the respondents, then the petitioner may lose this academic year and moreover, as directed by the Joint Director, the petitioner has also closed the existing Matriculation School.

5. Ms.Kavitha, learned Government Advocate appearing for the respondents would submit that the petitioner has not enclosed the required certificates, such as DTCP approval and other required documents along with application and therefore,

the application of the petitioner has not yet been decided.

6. Learned counsel for the petitioner would submit that DTCP approval is not required in this case, since this building was constructed before 2000 and the petitioner School has also satisfied the norms prescribed by the Empowered Committee and as directed by the Empowered Committee, and therefore, DTCP approval is not required. However, he agreed to produce all the certificates once again to the respondents, enabling them to take a decision on the petitioner's application.

7. Considering the rival submissions made, this Court, dispose of the writ petition, with a direction to the petitioner to furnish the documents, as required by the Director of School Education, in his proceedings, in Na.Ka.No.006205/G1, dated 3/3/2021, forthwith and on such production of those documents, the second respondent/competent authority shall take a decision, within a period of one week, thereafter.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mvs.

To

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4. The Chief Educational Officer
Thiruvallur District
Thiruvallur.

+1cc to Mr. G.Sankaran, Advocate SR.No. 17714

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A.SK(22.03.2021)