



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.24139 OF 2016

AND

W.M.P.NO.20666 OF 2016

The Coimbatore District Play
School Owners Association,
(Registration No.154/2016),
Through its President,
Mr.K.Gowdhaman,
No.159/1, Thadagam Road,
Velandipalayam,
(Opp. Avila Convent Girls Hr.Sec. School),
Coimbatore 641 025

...Petitioner

Vs

1.The Government of Tamil Nadu,
Through its Principal Secretary to Government.
Department of School Education,
Secretariat, Fort St.George,
Chennai 600 009

2.The Director,
Department of Elementary Education,
College Road, Chennai 600 006

3.The District Elementary Educational Officer,
O/o the District Elementary Educational Officer,
Coimbatore District,
Coimbatore.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Declaration, declaring
the Code of Regulations for Play Schools, 2015 issued by the
first respondent as ultravires, arbitrary and illegal.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.M.S.Arasakumar,
Government Advocate



O R D E R

In respect of Play Schools, the Government of Tamil Nadu issued a notification by framing Code of Regulations. In this regard, G.O.MS.No.206, School Education Department, dated 22.12.2015 was issued. In view of the Regulations already framed, the members of the petitioner's Association are bound by the Rules for the purpose of grant of license or permission.

2. The challenge made by the petitioner Association is on the ground that the Regulations are arbitrary and illegal. The learned counsel for the petitioner mainly contended that the period of lease for five years contemplated, is arbitrary.

3. Regulation 9, deals with Buildings. Sub-clause (a) contemplates that "the School Building shall be owned or Leased. If the accommodation is provided in a leased building, the lease agreement shall be made for a period not less than five years and the said Agreement shall be duly registered in the Registration Department."

4. The learned counsel for the petitioner Association states that, instead of five years, the lease period must be three years. The said ground is pleaded based on the orders passed by the Hon'ble Division Bench of this Court in M.P.No.2 of 2014 in W.P.No.18861 of 2014 in the case of Enchanting Elves vs. K.Balasubramanian, dated 30.10.2015.

5. A perusal of the findings in the order passed by the Hon'ble Division Bench, there is an observation made that, why the minimum requirement of the lease of five years should be reduced to three years as there has to be some element of permanency. However, the Hon'ble Division Bench of this Court has not issued any direction and further, the period of five years of lease contemplated under the Regulations is a policy decision taken by the Government, considering the various facts and circumstances.

6. Thus, the reliance placed by the petitioner with reference to the Judgment of the Hon'ble Division Bench is of no avail to the petitioner Association. Further, the Regulation was issued in the year 2015 and it is in force for the past, about six years and Play Schools are granted license based on the said Regulations. The only objection raised regarding the period of lease deserves no merit consideration, as the grounds raised in the writ petition is legally untenable and the petitioner Association cannot claim the lease period as a matter of right and they are bound by the Regulations.



7. This being the factum, no further consideration is required and consequently, the Writ Petition stands Dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

sts/shr

To:

- 1.The Government of Tamil Nadu,
Through its Principal Secretary to Government.
Department of School Education,
Secretariat, Fort St.George,
Chennai 600 009
- 2.The Director,
Department of Elementary Education,
College Road, Chennai 600 006
- 3.The District Elementary Educational Officer,
O/o the District Elementary Educational Officer,
Coimbatore District,
Coimbatore.

+1cc to the Government Pleader SR.Nos.67914, 67038

W.P.No.24139 of 2016

SPD(CO)
RVM(06/01/2022)