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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.31266 OF 2016

Sri Aiyaswami Aiyar High School,
Rep. by its Correspondent,
Mr.V.L.Narasimhan.

... Petitioner

.Vs.

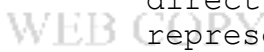
1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Education,
Secretariat, Fort St. George,
Chennai - 600 009,
2. The Joint Director of School
Education (Secondary),
Directorate of School Education Department,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
School Education Department,
Kancheepuram Town and District,
Kancheepuram - 631 501.
4. The District Educational Officer,
Office of the DEO-Chengalpattu District,
Chengalpattu - 603 001.

... Respondents

PRAYER:- This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 12.05.2016 within the stipulated time and grant permanent recognition to the Sri Ayyaswamy Aiyar High School Chromepet from I to X standards of as one recognition.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.K.M.D.Muhilan
(for R3 & R4)
Government Advocate





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government could not open schools in all villages. Hence the schools which were fully equipped with all learning materials and infrastructure facilities and buildings were given permanent recognition to run the schools. It is humbly submitted that in the present days, Nursery and Primary Schools, Matriculation schools and self finance aided schools were opened in all places and people take over their education without travelling long distances. Even many schools were opened in many places without proper recognition. It is submitted that after the Kumbakonam incident on 16.7.2004 in which 93 school children were burnt to death, in 2004 the government constituted a committee under the chairmanship of Retired High Court Judge Hon'ble Justice Thiru.Sampath to streamline the procedures and safely to be followed for the opening and running of schools. In the meanwhile it was found that the said Nursery and Primary School where such incident took place was run in a narrow building for which no proper stability was obtained and it was also run in a thatched shed which led to the fire accident. It is submitted that the Government vide G.O.Ms.No.123, School Education Department dated 14.9.2004 has amended the Rule 6 of the Tamil Nadu Recognized Private Schools (Regulation) Act 1973 (Tamil Nadu Act 29 of 1974) Rule 6 (1) (f) Structural stability certificate from the Engineers of Public Works.

Department/Chartered Engineers (From the Engineers of in the panel of qualified and registered Engineers maintained by the District Collectors) in accordance with the Tamil Nadu Public Buildings (Licensing) Act 1965 (Tamil Nadu Act 13 of 1965) is obtained.

g) adequate sanitary facilities separately for teacher and pupils (boys/girls separately) and a certificate to that effect is obtained from the local Health Authority.

h) No objection certificate from the State Officer, Fire and Rescue services Department in the area where the school is situated is obtained.

Provided that no thatched structure shall be in the school premises".



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(2) In rule 9 in sub-rule (2) for clause (a) the following clause shall be substituted namely:-

- i) produce a license permitting the use of the school building as public building under the Tamilnadu Public Buildings (Licensing) Act 1965 (Tamil nadu Act 13 of 1965)
- ii) produce the structural stability certificate from the engineers of Public Works Department/Chartered Engineers (From the Engineers in the Panel of qualified and registered Engineers maintained by the District Collectors) in accordance with the Tamilnadu Public Building (Licensing) Act, 1965 (Tamil Nadu Act 13 of 1965)
- iii) provide adequate sanitary facilities separately for the teachers and pupils (boys/girls separately) and produce a certificate to that effect obtained from the Local Health Authority.
- iv) Produce a no objection certificate from the Station Officer, Fire and Rescue services department the are where the school is situated provided that no thatched structure shall be in the school premises.

12. It is submitted that as per Tamil Nadu Educational Rules which applies to all schools under all managements, recognized by the Government in the Educational Department in a variety of classification of schools are classified as follows and separate Directors are assigned with the jobs relating to the schools:-

1. The Director of School Education, in respect of Secondary (High) and Higher Secondary Schools and Anglo Indian Schools.
2. The Director of Elementary Education in respect of Pre Primary Nursery and Primary and Middle schools
3. The Director of Matriculation Schools in respect of Matriculation Schools.



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4. Director of Teacher Education, Research and Training in respect of Teacher Training Institutions.

5. Director Government Examinations.

It is further submitted that the petitioner's school under classes 1 to 5 come under the name of Aiyaswami Aiyer Elementary School, Chrompet, Chennai and come under the control of Director of Elementary Education, Chennai 6 and grant in aid is given by the Assistant Elementary Education Officer, Chitlapakkam. The classes run by the petitioner from 6 to 10 come under the Control of Director of School Education, Chennai 6 and grants in aid is sanctioned by the Fourth Respondent herein. Hence the school which was started as Primary school in 1957 by the petitioner as Aiyaswamy Aiyar Elementary School, Chrompet with permanent recognition is still run under permanent recognition and the petitioner is bound to obtain only temporary recognition for the classes started in high school, i.e. 6th to 10th every three years. Hence the petitioner's plea was not considered for permanent recognition due to reasons in the aforesaid paragraphs.

4. This Court is of the considered opinion that recognition of the school has to be granted strictly in accordance with the Tamil Nadu Private Schools (Regulation) Act and Rules. The government guidelines regarding the infrastructures to be provided are also to be followed scrupulously without any deviation and therefore, the case of the petitioner has also to be considered with reference to the rules in force. The writ petition is filed in the year 2016 and the period of three years has already lapsed. Thus, if any application is filed by the petitioner, then the said application is to be considered by the respondents, strictly in accordance with the provisions of the Act and rules and guidelines issued by the Government from time to time.

5. With these observations, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar



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To

1. The Secretary,
State of Tamil Nadu,
Department of Education,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Joint Director of School
Education (Secondary),
Directorate of School Education Department,
College Road,
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3. The Chief Educational Officer,
School Education Department,
Kancheepuram Town and District,
Kancheepuram - 631 501.
4. The District Educational Officer,
Office of the DEO-Chengalpattu District,
Chengalpattu - 603 001.

+1cc to Mr.P.Thiagarajan, Advocate, S.R.No.48351
+1cc to the Government Pleader, S.R.No.49083

W.P.NO.31266 OF 2016

CP(CO)
PBS/07/10/2021