



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15859 of 2019

And

W.M.P.No.15674 of 2019

Shree Saradha Nursery and Primary School,
Rep. by its Correspondent,
G.S.Mani

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

3.The District Educational Officer,
Thiruvallur,
Thiruvallur District.

4.The Block Educational Officer,
Thiruvallur at Ikkadu,
Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the second respondent in Memo No. 1212/E1/2019 dated 11.05.2019 and to quash the same and consequently directing the respondents to pass appropriate orders for granting Opening Permission / Recognition to the petitioner School for running Nursery and Primary School with Standards LKG to V, based on the proposal submitted by the petitioner School dated September 2017 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the second respondent in Memo No. 1212/E1/2019 dated 11.05.2019 and to quash the same and to consequently direct the respondents to pass appropriate orders for granting Opening Permission / Recognition to the petitioner School for running Nursery and Primary School with Standards LKG to V, based on the proposal submitted by the petitioner School dated September, 2017, within a time frame to be fixed by this Court.

2.The case of the petitioner is that the petitioner School was established by Shree Saradha Srinivasalu Educational Charitable Trust with a laudable object of imparting quality education to the people belonging to the poor and downtrodden. The petitioner School has been issued with Public Building Licence in Form - D as well as Structural Stability Certificate in Form - A, B, C by the competent Authorities and the School has also obtained NOC from Fire and Rescue Department and Sanitation Certificate from the Health Department. The petitioner School forwarded a proposal to the second respondent through proper channel and the same was submitted to the office of the fourth respondent during September, 2017 and based on the said proposal, the fourth respondent conducted inspection on 11.09.2017. Thereafter, the fourth respondent forwarded a proposal dated 19.10.2017 along with the inspection report to the third respondent and the third respondent in turn forwarded a proposal to the second respondent along with recommendation for granting permission to the petitioner School, however, no orders have been passed.

3.The further case of the petitioner is that the petitioner School received a show cause notice dated 04.02.2019 from the office of the second respondent calling upon the petitioner to show cause as to why action should not be taken under Section 18 (1) of Right to Children to Free and Compulsory Education Act, 2009 for running the School without obtaining necessary Certificate of recognition from the competent Authority and the petitioner submitted representation dated 07.02.2019 making it clear that proposal for granting permission has already been submitted to the Department through proper channel. However, the second respondent issued the impugned notice and challenging the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that already the petitioner School forwarded a proposal to the second respondent through proper channel and the same was



submitted to the office of the fourth respondent during September, 2017 and based on the said proposal, the fourth respondent conducted inspection on 11.09.2017. Thereafter, the fourth respondent forwarded a proposal dated 19.10.2017 along with the inspection report to the third respondent and the third respondent in turn forwarded a proposal to the second respondent along with recommendation for granting permission to the petitioner School, however, no orders have been passed by the second respondent.

5.The learned counsel appearing for the petitioner further submitted that the petitioner submitted a detailed representation dated 07.02.2019 for the show cause notice dated 04.02.2019 issued by the second respondent. The learned counsel further submitted that the petitioner has not admitted any students in the School and till date the School is not running. Hence, instead of interfering with the impugned notice, it would suffice, if this Court issues direction to the second respondent to consider the proposal forwarded by the third respondent and the detailed representation dated 07.02.2019 submitted by the petitioner and to pass appropriate orders within a reasonable time frame.

6.The learned Government Advocate raise no serious objection for this Court considering the limited request now made by the learned counsel appearing for the petitioner.

7.The facts in the present case is not in dispute. The petitioner School has been issued with Public Building Licence in Form - D as well as Structural Stability Certificate in Form - A, B, C by the competent Authorities and the School has also obtained NOC from Fire and Rescue Department and Sanitation Certificate from the Health Department. The petitioner School has forwarded a proposal to the second respondent through proper channel and the same was submitted to the office of the fourth respondent during September, 2017 and based on the said proposal, the fourth respondent conducted inspection on 11.09.2017. Thereafter, the fourth respondent forwarded a proposal dated 19.10.2017 along with the inspection report to the third respondent and the third respondent in turn forwarded a proposal to the second respondent along with recommendation for granting permission to the petitioner School.

8.Thereafter the petitioner School received a show cause notice dated 04.02.2019 from the office of the second respondent calling upon the petitioner to show cause as to why action should not be taken under Section 18(1) of Right to Children to Free and Compulsory Education Act, 2009 for running the School without obtaining necessary Certificate of recognition from the competent Authority and the petitioner submitted representation dated 07.02.2019 making it clear that proposal for granting



permission/ recognition has already been submitted to the Department through proper channel.

9. Further, the petitioner claim that the petitioner has not admitted any students in the School and till date the School is not running. Hence, this Court is inclined to issue direction to the second respondent to consider the proposal forwarded by the third respondent, if any, and the detailed representation dated 07.02.2019 submitted by the petitioner and to pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

10. This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Director of Elementary Education,
DPI Campus,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

3. The District Educational Officer,
Thiruvallur,
Thiruvallur District.

4. The Block Educational Officer,
Thiruvallur at Ikkadu,
Thiruvallur District.

+1cc to Mr.G.Sankaran, Advocate SR.No.60340

+1cc to Government Pleader SR.No.60651

W.P.No.15859 of 2019
And
W.M.P.No.15674 of 2019

CA(CO)
GMY(04/01/2022)