



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.18263 of 2019

and

W.M.P.Nos.17620, 17622 & 17624 of 2021

Madras Social Service University,
Represented by its Secretary,
Kolping Tower-II Floor,
No.329, T.T.K.Road,
Alwarpet,
Chennai-600 018.

...Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur,
Thiruvallur District.
4. The District Educational Officer,
The Office of the Chief Educational Officer,
Ponneri,
Thiruvallur District.
5. The Block Educational Officer,
The Office of the Block Educational Officer,
Minjur-601 203,
Thiruvallur District.
6. The District Collector,
The Office of the District Collector,
Thiruvallur.

....Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the show cause notice in No.1212/E1/2019 dated 11.05.2019 on the file of the 3rd respondent and the consequential press release in No.211 dated 30.05.2019 on the file of the 6th respondent in respect of the petitioner school, and quash the same and directing the respondents to consider the application of the petitioner dated 28.09.2017.

For petitioner : Mr. Xavier Arulraj
Government Advocate for
M/s. Father Xavier Associates

For Respondents : Mr. Stalin Abimanyu
Special Government Pleader,

ORDER

The present petition has been filed seeking quashment of the impugned order dated 11.05.2019 passed by the 3rd respondent herein and a press release in No.211 dated 30.05.2019 on the file of the 6th respondent in respect of the petitioner school.

2. The case of the petitioner is that in the year 2017, the petitioner Society had established the Dutch Academy Nursery and Primary School to cater to the Educational need of lower-strata of the society. An application was made vide letter dated 28.09.2017 along with the requisite documents before the 3rd respondent for grant of recognition to the said school. However, the said application is pending till date. Thereafter, the said school was accorded approval by the Panchayat Authorities. Subsequently, the school had applied for DTCP approval as per the G.O.76, Housing and Urban Development (UD 4 (3)) Department dated 14.06.2018.

3. While being so, the show cause notice dated 04.02.2019 was issued against the petitioner society by the 3rd respondent stating that the petitioner society is running without obtaining certificate of Recognition from the Competent Authority, for which a reply dated 08.02.2019 was sent by the petitioner stating that application has already been submitted for grant of recognition and the same is still pending. Subsequently, another show cause notice dated 11.05.2019 was issued by the 3rd respondent directing the school management to submit the application for opening permission within 20.05.2019 before the 5th respondent, for which the petitioner sent a reply stating that the application for the same is already pending before the 3rd respondent. Without considering the same, the 6th



respondent had passed an impugned order dated 30.05.2019, against which the present petition has been filed seeking quashment of the same.

4. Learned counsel for the petitioner submits that the petitioner is ready to rectify the defects pointed out by the 3rd respondent in his order within a period of three months from the date of receipt of copy of this order.

5. Learned Special Government Pleader submits that before the issuance of show cause notice against the petitioner, the 3rd respondent had passed an order wherein the defects to be rectified by the petitioner have been pointed out. Without rectifying the defects, filing of Writ Petition before this Court is not sustainable.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. A careful perusal of the contentions reveal that an order has been passed by the 3rd respondent directing the petitioner to rectify certain defects. However, even according to the petitioner, till date he has not rectified the defects. In the said circumstances, the impugned order has come to be passed which cannot be found fault with. However, learned counsel fairly conceded that the petitioner would rectify the defects as pointed by the 3rd respondent in his order within a period of three months from the date of receipt of a copy of this order.

8. In such circumstances, to render substantial justice, this Court grants a period of three months from the date of receipt of a copy of this order for the petitioner to comply with the order passed by the 3rd respondent for rectifying the defects.

9. Failing compliance of the aforesaid direction, the 3rd respondent is at liberty to proceed the matter in accordance with law.

10. This Writ Petition is disposed of with the above direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar



To

WEB COPY

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.
3. The chief Educational Officer,
The Office of the Chief Educational Officer,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur,
Thiruvallur District.
4. The District Educational Officer,
The Office of the Chief Educational Officer,
Ponneri,
Thiruvallur District.
5. The Block Educational Officer,
The Office of the Block Educational Officer,
Minjur-601 203,
Thiruvallur District.
6. The District Collector,
The Office of the District Collector,
Thiruvallur.

+1cc to the Government Pleader, S.R.No.67480

W.P.NO.18263 of 2019

SJ[co]
NSK 15/02/2022