

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.21740 of 2014
& MP.No.1 of 2014

S.Partheeban

.. Petitioner

Vs.

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

2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Collectorate Campus,
Salem-636 001

3.The District Elementary Educational Officer,
O/o.The District Elementary Educational Officer,
Collectorate Campus.

...Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order made in Na.Ka.No.2578/B4/2014 dated 19.07.2014 and the consequential order made in Na.Ka.No.0027/B4/2014 dated 23.07.2014 passed by the third respondent and further directing the third respondent to grant approval to the Boston Nursery & Primary School at Jari Kondalampatti, Salem.

For Petitioner .. Mr.Saravanan Munusamy for
Mr.A.Nagarathinam

For Respondents... Mrs.V.Annalakshmi, GA for RR1 to 3

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order made in

Na.Ka.No.2578/B4/2014 dated 19.07.2014 and the consequential order made in Na.Ka.No.0027/B4/2014 dated 23.07.2014 passed by the third respondent and further directing the third respondent to grant approval to the Boston Nursery & Primary School at Jari Kondalampatti, Salem.

2. With respect to the impugned notice issued by the third respondent, rejecting the request for granting permission to run the 'Boston Nursery and Primary School' at Jari Kondalampatti, Salem, at the time of admission of the writ petition, the petitioner has not obtained interim order and today, the matter has come up for final disposal before this Court.

3. According to the petitioner, pursuant to the impugned order dated 19.07.2017, the petitioner had closed the school. As on today, they are not running the school in the said campus and they seek liberty to make a fresh application before the appropriate authority seeking permission to run the said school in the said premises.

4. In the counter affidavit filed by the third respondent, it has been stated that the rejection order was passed for the reasons stating that the petitioner had not complied with the conditions as required by the third respondent and has not enclosed necessary documents. Thereafter, the petitioner has not filed necessary application to rectify the said defects. It is further stated in the counter affidavit that the petitioner is running the school for more than 9 years without having proper infrastructure. Therefore, in this regard, the third respondent advised to submit proper proforma, but the petitioner had failed to submit proforma along with the requirement of necessary infrastructure and the documents hence, the impugned order.

5. According to the petitioner, no interim order was granted at the time of admission of the writ petition. It is also verified from the records that no interim order was granted. Admittedly, the petitioner has not complied with the conditions as required by the third respondent and subsequently closed the school pursuant to the impugned order passed by the third respondent and no interim stay was granted by this Court. According to the petitioner, he has not admitted the students in the school and he is not running the school and also closed the school and therefore he requests this Court to grant liberty to file a fresh application before the appropriate authority for grant of approval to the said school.

6. In view of the above, this Writ petition is dismissed with a liberty to the petitioner to file a fresh application before the appropriate authority. It is needless to mention that any such application is filed by the petitioner, the authority shall consider the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//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,
O/o. The Chief Educational Officer,
Collectorate Campus,
Salem-636 001

3.The District Elementary Educational Officer,
O/o.The District Elementary Educational Officer,
Collectorate Campus,
Salem-636 001

+1 cc to Government Pleader Sr.No. 26019

W.P.No.21740 of 2014

Um (CO)
A.SK(08.07.2021)

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