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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.18648 OF 2019

AND

W.M.P.NOS.17980 &17979 OF 2019

Swami Vivekananda Gurukulam Educational Trust,
No.15/11, 44th Street,
Nanganallur, Chennai - 600 061,
Represented by its Secretary,
Mr.V.Natarajan,
Established and Administering,
Swami Vivekananda Gurukulam,
Ramar Koil Street,
Pappanchatram, Chembarambakkam(Post),
Poonamalle Tk., Thiruvallur District.
Chennai - 600 123.

... Petitioner

.Vs.

1. The National Institute of Open Schooling,
Represented by its Secretary,
A-24-25, Institutional Area,
Sector 62,
Noida - 201 309.
2. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.
3. The District Educational Officer,
Avadi, Chennai.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of CERTIORARIFIED MANDAMUS to call for the show cause notice dated 11.05.2019 issued by the 2nd Respondent, quash the same and direct the Respondents not to compel the Petitioner Institution to obtain No objection Certificate/Permission/Certificate from the 2nd and 3rd Respondents under the Right to Education Act of 2009.



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For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For R1 : Mr.B.Rabu Manohar
Senior Central Government
Panel Counsel

For R2 & R3 : Mr.M.R.Gokulkrishnan
Government Advocate

O R D E R

This writ petition has been filed calling for the Show Cause Notice dated 11.05.2019 issued by the 2nd Respondent quash the same and direct the Respondents not to compel the Petitioner Institution to obtain No objection Certificate/Permission/Certificate from the 2nd and 3rd Respondents under the Right to Education Act, 2009.

2. The case of the petitioner is that, their trust is an educational Trust, which was created on 06.03.2005 and on 17.06.2005, the Certificate of Accreditation was given by Vidya Bharathi, Tamil Nadu to conduct classed up to 8th standard and on 31.05.2006, Rectification Deed of Swami Vivekananda Gurukulam Educational Trust was given. Again on 04.06.2007, the Certificate of Accreditation was given by Vidya Bharathi, Tamil Nadu to conduct classes up to 8th standard, Subsequently, on 22.07.2017, National Institute of Open Schooling accredited the Petitioner Trust as a study centre of National Institute of Open Schooling for Open Basic Education Programme(OBE) from 2017-2018 till 31.03.2020 and the petitioner also obtained Stability Certificate, The Achievement cum Transferred Certificate was issued by the National Institute of Open Schooling to the students, who had completed B level Course of Open Basic Education Programme(OBE) at the petitioner institution. Further, the petitioner institution obtained No objection Certificate from the Tamil Nadu Fire and Rescue Department. While so, The District Educational Officer issued a Show Cause Notice to the petitioner on the pretext that, the petitioner institution is a CBSE School. However, the said reply was sent to the Chief Educational Officer, Thiruvallur District on 15.05.2019. Hence, challenging the Show Cause Notice, the present Writ Petition is filed.

3. Mr.D.Prabhu Mukunth Arunkumar, learned counsel for the petitioner submitted that, though the petitioner institution is recognized as a School as per the Central Government Board Education's letter dated 14.03.2018 and 27.03.2018. However, the said School was not in terms of regular School established by the State Government and the Central Government. Further, the



first respondent comes under the purview of HRI Ministry. They gave permission to various locations to encourage the School to conduct program for children below the age of 14 years and for the adolescent group. Further, the said group constitutes children below 14 years, School drop-outs from the formal education system, left out of School and children in marginal groups such as SC & ST and minority population. The above downtrodden were formally educated by the petitioner's Institute. However, under the wrong assumption, the Show Cause Notice was issued and further, the petitioner gave a proper reply by a representation dated 15.05.2019. Hence, he prayed that, this Court may issue a direction to 2nd respondent to consider the petitioner's representation dated 15.05.2019. Hence, he prayed that, this Court may issue a direction to the 2nd respondent to consider the petitioner's representation dated 15.05.2019 and pass appropriate orders within a reasonable time.

4. B.Rabu Manohar, learned Senior Central Government Panel Counsel appearing for the first respondent has no serious to the relief sought in this writ petition.

5. Heard the learned counsel for the petitioner and learned counsel for respondents and perused the materials placed on record.

6. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court directs the petitioner to send a copy of the representation dated 15.05.2019 to the 2nd respondent along with requisite documents, within a period of two weeks on receipt of the same, the 2nd respondent shall consider the case of the petitioner in accordance with law, and pass appropriate orders after affording an opportunity of hearing to the petitioner, within a period of eight weeks.

7. With the above observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sma



To

1. The National Institute of Open Schooling,
Represented by its Secretary,
A-24-25, Institutional Area,
Sector 62,
Noida - 201 309.
2. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.
3. The District Educational Officer,
Avadi, Chennai.

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.60763
+1cc to Mr.D.Prabhu Mukunth Arunkumar, Advocate, S.R.No.60919
+1cc to the Government Pleader, S.R.No.61496

W.P.NO.18648 OF 2019 AND
W.M.P.NOS.17980 & 17979 OF 2019

VG-II(CO)
PBS/28/01/2022