



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.19901 of 2021

T.Sathiyamoorthy

...Petitioner

-VS-

1.The Secretary

Ministry of Education, Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi.

2.The Chairman

Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre
Preet Vihar, Delhi - 110 092.

3.The Director

Tamilnadu School Education Department
DPI Complex, College Road
Chennai.

4.The Regional Office

Central Board of Secondary Education
New No.3, Old No.1630A, J Block
16th Main Road, Anna Nagar West
Chennai - 600 046.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to amend the clause 3,4 and 3.5 of the CBSE affiliation bye-laws in related with land requirements and consequently allow 24 sections school with 3000 sq.m land area for municipal city corporations (Madurai municipal city) with more than 15 lakhs populations, included in the clause 3.4 of the CBSE affiliation bye laws and enable us to convert our school from State Board to CBSE.

For the Petitioner : Mr.M.Palanivel

For the Respondents : Mr.P.Udayakumar - for RR 1, 2 & 4
Mr.P.Muthukumar
State Government Pleader - for R3



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ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, who is involved with a private school in Madurai, desires that the second respondent Central Board of Secondary Education amends some of its rules and bye-laws to facilitate the functioning of the petitioner's school.

2. No case has been made out that the relevant Rules, even if the same are justiciable, offend the provisions of any law or are otherwise arbitrary or unconstitutional.

3. The matter also does not involve any public interest as it concerns the petitioner's school and the applicability of the CBSE Rules in relation thereto.

4. Accordingly, W.P.No.19901 of 2021 is not entertained, though the petitioner is left free to make an appropriate request to the CBSE in accordance with law, even for the purpose of granting such permission, if necessary. However, nothing in this order should be construed to be even a request to the CBSE to modify its Rules or bye-laws or to make an exception for the petitioner.

There will be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

sra/kst

To

- 1.The Secretary,
Ministry of Education, Shastri Bhawan,
Dr.Rajendraprasad Road, New Delhi.
- 2.The Chairman,
Central Board of Secondary Education,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
- 3.The Director,
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4.The Regional Office,
Central Board of Secondary Education,
New No.3, Old No.1630A, J Block,
16th Main Road, Anna Nagar West,
Chennai-600046.

W.P.No.19901 of 2021

LN(CO)
RVM(29/09/2021)