



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.19295 of 2018

and

W.M.P.Nos.22697 & 22698 of 2018

Ideal Nursery & Primary School
(Recognition No.025/DPM)
Rep. by its Correspondent
M.Krishnaswamy
Periyapallivasal Road,
Alangiam Post,
Dharapuram Taluk,
Tiruppur District.

...Petitioner

-Vs-

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Chief Educational Officer,
Tiruppur District,
Tiruppur.
3. The District Elementary Educational Officer,
Tiruppur District, Tiruppur.
4. The Asst. Elementary Educational Officer,
Dharapuram,
Tiruppur District, Tiruppur.
5. The Asst. Elementary Educational Officer,
(Nursery), Tiruppur District,
Tiruppur.
6. The Special Officer/Block Development Officer,
Dharapuram Panchayat Union,
Dharapuram.
7. The Director,
Town and Country Planning,
IV Floor, No. 807, Anna Salai,
Chennai 600 002.

R6 and R7 are suo motu impleaded vide order dated 20.02.2019,
made in WP.19295 of 2018 .

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus in the nature of Writ, calling for the records relating to the impugned order passed by the 2nd respondent vide Na.Ka.No.8339/A4/2016 dated 26.05.2018 and quash the same as illegal and consequently direct the 2nd and 3rd respondents herein to grant recognition to the petitioner school viz. Ideal Nursery & Primary School, Periyapallivasal Road, Alangiam Post, Dharapuram Taluk, Tiruppur District in the light of G.O.Ms.No.74, School Education Department dated 28.04.2017.

For Petitioner : M/S.M.Venkadeshan

For Respondents: Mr.V.Nanmaran
Additional Government Pleader

ORDER

The Writ Petition has been filed, challenging the closure order passed by the second respondent on account of non-availability of the required infrastructural facilities in the petitioner-School.

2. The learned counsel appearing for the petitioner submits that subsequent to the closure order passed by the second respondent, the petitioner, without any other option, is constrained to shift their students to some other schools. Therefore, he submits that the prayer sought for in this Writ Petition has become infructuous. However, the learned counsel submits that the petitioner intends to reconstruct the school with all infrastructural facilities as demanded by the respondents, and thereafter, would approach the concerned Authority, seeking approval, and in such case, his application may be considered on merit.

3. In view of the above submission, this Writ Petition is dismissed as having become infructuous. However, after the petitioner reconstructs the school with all infrastructural facilities, they are at liberty to make necessary application before the concerned Authority seeking approval to run the School, in which case, the application shall be considered on merits by the respondents, without any hassle. No costs. Consequently, connected Micellaneous Petitioners are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



jd/sd

To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Chief Educational Officer,
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Tiruppur.
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+1cc to Mr.M.Venkadeshnan, Advocate, S.R.No.59218

+1cc to the Government Pleader, S.R.No.59466

W.P.No.19295 of 2018
and

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GPL(CO)
SB(07/12/2021)