



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23778, 23780, 23781, 23785 and 23786 of 2021

And

W.M.P.Nos.25033, 25035, 25041 and 25046 of 2021

Sontrust Matriculation School

Represented by its Correspondent

Mr.Paul Shankar ... Petitioner in W.P.No.23778/2021

Good Shepard Matric Higher Secondary School

Represented by its Manager,

Mr.P.K.John ... Petitioner in W.P.No.23780/2021

Abhijay Matriculation School

Represented by its Correspondent

Mr.G.Deivasigamani ... Petitioner in W.P.No.23781/2021

Aldrin Matric Higher Secondary School

Represented by its Correspondent

Dr.M.S.Aldrin Sugin ... Petitioner in W.P.No.23785/2021

St.Johns Matriculation School

Represented by its Manager,

Mr.P.K.John ... Petitioner in W.P.No.23786/2021

Vs.

The Principal Secretary,
School Education Department,
St.George Fort,
Chennai 600 009

The Commissioner
School Education Department,
DPI Campus,
College Road,
Chennai 600 006.

The Director of Matriculation Schools,
DPI Campus,
College Road,
Chennai 600 006.

... Respondents 1 to 3 in all the W.Ps.



The Chief Educational Officer,
Tiruvallur District.

...4th Respondent in W.P.Nos.23778,
23780 and 23786/2021

The District Educational Officer,
Ponneri Educational District,
Ponneri.

...5th Respondent in W.P.No.23778/2021

The District Educational Officer,
Ambattur Educational District,
Ambattur.

...5th Respondent in W.P.No.23780/2021

The Chief Educational Officer,
Chengalpet District.

The District Educational Officer,
Chrompet Educational District,
Chrompet.

...4th & 5th Respondents in W.P.No.23781/2021

The Chief Educational Officer,
Kanyakumari District.

The District Educational Officer,
Thakkalai Educational District,
Thakkalai.

...4th & 5th Respondents in W.P.No.23785/2021

The District Educational Officer,
Avadi Educational District,
Avadi.

...5th Respondents in W.P.No.23786/2021

Prayer in W.P.No.23778 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 5th respondent pertaining to the proceedings in Na.Ka.No. 901/A3/2020 dated 22.09.2020 and to quash the same and consequently direct the respondents to grant permission upgrading our run the school with classes L.K.G. to 8th standard for the academic year 2021 - 2022 without insisting the land norms within a time frame that may be stipulated by this Court.

Prayer in W.P.No.23780 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 5th respondent pertaining to the proceedings in Na.Ka.No. 2766/A5/2019 dated 28.09.2021 and to quash the same and consequently direct the respondents to grant temporary recognition to run the school with classes L.K.G. to 12th standard for the academic year 2020 - 2021 without insisting the land norms within a time frame that may be stipulated by this Court.



Prayer in W.P.No.23781 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent pertaining to the proceedings in Na.Ka.No. 3127/A2/2019 dated 18.10.2019 and to quash the same and consequently direct the respondents to grant permission upgrading our run the school with classes L.K.G. to 8th standard for the academic year 2021 - 2022 without insisting the land norms within a time frame that may be stipulated by this Court.

Prayer in W.P.No.23785 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent pertaining to the proceedings in Na.Ka.No. 974/A4/2020 dated 14.09.2021 and to quash the same and consequently direct the respondents to grant temporary recognition to run the school with classes L.K.G. to 12th standard for the academic year 2020 - 2021 without insisting the land norms within a time frame that may be stipulated by this Court.

Prayer in W.P.No.23786 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent pertaining to the proceedings in Na.Ka.No. 426/A2/2020 dated 19.07.2021 and to quash the same and consequently direct the respondents to grant permission upgrading our run the school with classes L.K.G. to 10th standard for the academic year 2021 - 2022 without insisting the land norms within a time frame that may be stipulated by this Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in these writ petitions are inter connected, they are heard together and disposed of by way of a common order.

2.The petitioners have filed these petitions seeking to quash the orders impugned in the respective writ petitions and to grant permission upgrading our run the school with classes L.K.G. to 8th standard for the academic year 2021 - 2022 in some



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writ petitions and to grant temporary recognition to run the school with classes L.K.G. to 12th standard for the academic year 2020 - 2021 in some writ petitions, without insisting the land norms within a time frame that may be stipulated by this Court.

3.The case of the petitioners is that the respective schools were established and initially permission was granted by the Director of Elementary Education (Kinder Garten Schools). Thereafter petitioners were granted permission upto 5th standard and the recognition also renewed periodically. The present issue is the petitioners made application for renewal and seeking upgradation to impart education upto 8th standard in some writ petitions and 10th standard in some writ petitions. However, the applications were rejected on the sole ground land area was not possessed by the petitioners. Challenging the same the present writ petitions have been filed.

4.The learned counsel appearing for the petitioners would submit that the very same issue was considered by this Court in the earlier round of litigation in W.P.(MD) No.11818 of 2021 and this Court vide order dated 27.07.2021 allowed the said writ petition by referring to G.O.Ms.No.175, School Education Department, dated 20.07.2017 wherein it has been mentioned that if the land space is not fulfilled in the ratio of 10 sq.ft., per student and 40 sq.ft., per teacher, the school will not be entitled for upgradation and it is also stated that except the norms pertaining to the land space as specified in G.O.Ms.Nos.24 and 48, School Education Department, dated 23.04.2010 and 21.07.2004 respectively all other conditions imposed under the said Government orders will be applicable. In the present case, the petitioners satisfied the norms stated in G.O.Ms.No.175, School Education Department, dated 20.07.2017, however, without considering the same, declining the petitioners request is not sustainable.

5.The learned Government Advocate did not dispute the facts submitted by the learned counsel appearing for the petitioners and raised no serious objection for this Court granting the same benefit granted to the petitioner in W.P.(MD) No.11818 of 2021.

6.For better appreciation, the relevant portion of the order dated 27.07.2021 made in W.P.(MD) No.11818 of 2021 [Christ Matriculation School v. The Principal Secretary to Government] is extracted hereunder:

"6.It is an admitted case that the petitioner had already been given recognition upto 5th Standard. The petitioner was seeking for upgradation in order to impart education upto 8th Standard. The main ground that was



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a period of eight weeks from the date of receipt of a copy of this order.

9. In the result, this writ petition is allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed."

7. In view of the settled position and in view of the consent view expressed by the learned Government Advocate, this Court is inclined to extend the same benefit granted to the petitioner in W.P.(MD) No.11818 of 2021 to these petitioners also.

8. These writ petitions are allowed in similar lines with W.P.(MD) No.11818 of 2021. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
School Education Department,
St. George Fort,
Chennai 600 009
2. The Commissioner
School Education Department,
DPI Campus,
College Road,
Chennai 600 006.
3. The Director of Matriculation Schools,
DPI Campus,
College Road,
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4. The Chief Educational Officer,
Tiruvallur District.
5. The District Educational Officer,
Ponneri Educational District,
Ponneri.



6.The District Educational Officer,
Ambattur Educational District,
Ambattur.

7.The Chief Educational Officer,
Chengalpet District.

8.The District Educational Officer,
Chrompet Educational District,
Chrompet.

9.The Chief Educational Officer,
Kanyakumari District.

10.The District Educational Officer,
Thakkalai Educational District,
Thakkalai.

11.The District Educational Officer,
Avadi Educational District,
Avadi.

+1cc to Government Pleader SR. No.58166

W.P.Nos.23778, 23780, 23781,
23785 and 23786 of 2021
And
W.M.P.Nos.25033, 25035,
25041 and 25046 of 2021

RSI (CO)
PR (15/12/2021)