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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.9668 OF 2017

M.Anantaraman

... Petitioner

Vs.

1. The Director of School Education
College Road, Chennai - 600 006.
2. Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre
Preet Vihar, New Delhi - 110 092.
3. The Secretary to Government
Education Department
Fort St. George, Chennai - 600 009.
4. The Correspondent
Sri Chaitanya School
No.110, GST Road, Pallavaram
Chennai - 600 043.
5. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
Chennai - 600 008.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to consider the representation of the petitioner dated 31.1.2017 and issue suitable directions to the respondents 1 and 3 to initiate action against the running of fourth respondent Sri Chaitanya School at No.110, G.S.T.Road, Pallavaram, Chennai - 600 043.

For the Petitioner : Mr.S.Sridhar



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For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 and 3

: Mr.Krishna Baghawat
for 4th respondent

: Mr.Karthik Rajan
for 5th respondent

ORDER

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

The grievance of the petitioner is that the fourth respondent school has been opened and is being run without due permission being obtained under the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973.

2. However, it appears that the petitioner herein may not be directly affected since the petitioner is neither a student nor does the petitioner espouse the cause on behalf of any student at the said school. It does not appear that the petitioner is the parent or guardian of any student studying at the fourth respondent school.

3. A status report has been filed by the Director of School Education, indicating that appropriate permission from the State Regulatory Authority had not been obtained by the fourth respondent before starting the school and that there is no CBSE accreditation for the relevant school.

4. In view of such status report, the first respondent should take immediate appropriate action against the school in accordance with law and upon issuing prior notice to the school. The first respondent is reminded that the interest of the students have also to be catered to and in the event the school is closed down or not permitted to continue any further, the first respondent should ensure that the present students are accommodated elsewhere.

5. The fourth respondent says that there is no anomaly in its operation and that permissions of the kind referred to are ordinarily obtained upon the school being functional and in due course.

6. It will be open to the fourth respondent school to indicate any defence that may be available and cite all reasons upon receiving any notice from the first respondent or any other



respondent authority. It is made clear that the allegations levelled are not gone into in view of the status report filed by the first respondent.

7. W.P.No.9668 of 2017 is disposed of. W.M.P.No.10642 of 2017 is closed.

There will be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The Director of School Education
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2. Central Board of Secondary Education
Shiksha Kendra, 2, Community Centre
Preet Vihar, New Delhi - 110 092.
3. The Secretary to Government
Education Department
Fort St. George, Chennai - 600 009.
4. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
Chennai - 600 008.

+1cc to Mr.Karthik Rajan, Advocate, S.R.No.45290
+1cc to Mr.P.Subbareddy, Advocate, S.R.No.45135
+1cc to Mr.S.Sridhar, Advocate, S.R.No.45679(30/09/2021)

W.P.No.9668 of 2017

JP(CO)
PM/14/09/2021