



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8623 of 2021

(Through Video Conference)

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Standard Matriculation School,
Rep, through its Correspondent,
cum Principal M.Vatsala,
Bagyalakshmi Grounds,
Periyar Salai, Lakshmipuram,
Palani 624 601

... Petitioner

Vs.

1.The Principal Secretary to Government,
Tamil Nadu State, Chennai.

2. The Director of Matriculation School,
Directorate of Matriculation School Office,
College Road,
Chennai 600 006

3. The Chief Educational Officer,
Dindigul.

4. The Secretary to the Government,
Education Department,
Secretariat, Chennai 600 009

... Respondents

**** R4 suo moto impleaded vide order of this Court dated 27.04.2021***

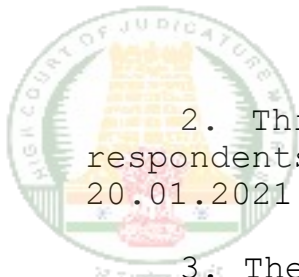
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to grant recognition for conducting classes from LKG to V standard in the petitioner's School called Standard Matriculation School running at Bagyalakshmi Ground, Periyarsalai, Lakshmipuram, Palani 624 601 in Dindigul District by considering the petitioner's representation dated 20.01.2021 and the subsequent reminders dated 11.02.2021 and 18.02.2021.

For Petitioner : Mr.V.Nagendran

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

O R D E R

The Secretary to the Government, Education Department is suo moto added as the fourth respondent in this Writ Petition.



2. This Writ Petition has been filed for a direction to the respondents to pass orders on the appeal filed by the petitioner on 20.01.2021 within the time frame fixed by this Court.

3. The case of the petitioner is that the School is functioning from the Academic Year 1986 -87 and classes are conducted from LKG to Tenth standard. The further case of the petitioner is that insofar Sixth standard to Tenth standard is concerned, due recognition has been granted by the second respondent and the same has been renewed from time to time. Insofar as LKG to Fifth standard is concerned, the representations made by the petitioner seeking for the recognition was rejected by the second respondent by letter dated 30.09.2020 on the ground that there is shortage of land requirements in the petitioner's School.

4. The petitioner, aggrieved by the proceedings of the second respondent, has filed an Appeal before the first respondent and since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.V.Nagendran, learned counsel for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the respondents.

6. When the matter was taken up for admission, this Court directed the learned Additional Government Pleader to take instructions as to who is the appropriate Appellate Authority, who must consider the Appeal filed by the petitioner. The learned Additional Government Pleader on instructions submitted that it is the impleaded fourth respondent, who is competent to deal with the Appeal filed by the petitioner.

7. The learned counsel for the petitioner submitted that the petitioner School was not properly informed about the Authority who will consider the Appeal against the proceedings of the second respondent and therefore, the petitioner had made the appeal before the first respondent.

8. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the petitioner to submit a fresh Appeal before the impleaded fourth respondent within a period of one week from the date of receipt of a copy of this order. The fourth respondent on receipt of the Appeal petition filed by the petitioner, shall deal with the same on its own merits and in accordance with law and pass final orders within a period of eight (08) weeks from the date of receipt of Appeal petition from the petitioner.



9. This Writ Petition is disposed of with the above directions.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS III)

/ /2021

Sub Assistant Registrar(CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

- 1.The Principal Secretary to Government,
Tamil Nadu State, Chennai.
2. The Director of Matriculation School,
Directorate of Matriculation School Office,
College Road,
Chennai 600 006
3. The Chief Educational Officer,
Dindigul.
4. The Secretary to the Government,
Education Department,
Secretariat, Chennai-9

+1 CC to M/s.SPL GP (SR-17901[F] dated 28/04/2021)

+2 CC to M/s.S.RAJAMANIKKAM, Advocate (SR-17854[F] dated 28/04/2021)

W.P. (MD) No.8623 of 2021
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KK(08.07.2021) 3P 8C