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W.P.(MD).No.11818 of 2021

Christ Matriculation School v. The Principal Secretary to Government

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11818 of 2021

and

W.M.P (MD) .No.9271 of 2021

Christ Matriculation School,
Naduppatti,
Gandharvakkottai Taluk,
Pudukkottai District
Represented by its Correspondent
Mr.M.Jeyaseelan S/o Mani Muthu

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamilnadu,
School Education Department,
St.George Fort,
Chennai-600 009.

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

3.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.

4.District Educational Officer,
Pudukkottai Educational District,
Pudukkottai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, directing the Respondents to call for the records on the file of the 2nd respondent pertaining to the impugned proceedings in Mu.Mu.No.973/A4/2019 dated 26/02/2021 and to quash the same and consequently direct the respondents to grant permission upgrading the petitioner's school with classes L.K.G to 8th standard for the academic year 2020-2021 without insisting the land norms within a time frame that may be stipulated by this Court.

For Petitioner	: Mrs.L.Victora Gowri
For Respondents	: Mr.M.Lingadurai Government Advocate

ORDER

On consent given by either side, the main writ petition itself has been taken up for final hearing.



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2. This writ petition has been filed challenging the proceedings of the second respondent dated 26.02.2021 and for a consequential direction to the respondents to grant permission by upgrading the School from LKG to 8th Standard for the Academic year 2020-2021.

3. The case of the petitioner is that this School was established by a Trust and initially permission was granted by the Director of Elementary Education in the year 1998 to run Kinder Garten School. Thereafter the petitioner was granted recognition upto 5th standard as per the proceedings dated 11.06.2015. The recognition is also renewed periodically and the last renewal took place in the year 2018 wherein the recognition was renewed for the period from 01.05.2018 to 31.05.2020.

4. The petitioner made an application for renewal and seeking for upgradation to impart education up to 8th Standard. The second respondent through proceedings dated 26.02.2021 rejected the application mainly on the ground that the School does not possess the requisite land space and the second respondent had heavily relied upon G.O.Ms.No.48 School Education Department, dated 21.07.2004 and G.O.Ms.No.24 School Education Department, dated 23.04.2010. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard Mrs.L.Victoria Gowri, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

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 urged by the learned counsel for the petitioner is that the Government had formed a Committee and based on the report submitted by the Committee, G.O.Ms.No.175 School Education Department, dated 20.07.2017 was issued and as per this Government Order, it is applicable to the existing Schools and 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. It is also stated in the Government Order that except the norms pertaining to the land space as specified in G.O.Ms.Nos.24 and 48 referred supra, all the other conditions imposed under these two Government Orders will be applicable.

7. A careful reading of the impugned proceedings of the second respondent shows that no reliance has been placed upon G.O.Ms.No.175, dated 20.07.2017. The second respondent has proceeded to determine the land space by placing reliance upon G.O.Ms.Nos.24 and 48 which have now been superseded by G.O.Ms.No.175. The impugned proceedings of the second respondent requires the interference of this Court on this ground alone. The specific case of the petitioner is that they satisfy the norms with regard to land space as provided under G.O.Ms.No.175 and they are also satisfying all the other norms as specified under G.O.Ms.Nos.24 and 48



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respectively.

8. In view of the above discussion, the impugned proceedings of the second respondent dated 26.02.2021 is hereby quashed and the matter is remanded back to the file of the second respondent. The second respondent is directed to deal with the application submitted by the petitioner in line with G.O.Ms.No.175 dated 20.07.2017 insofar as the land space is concerned. Insofar as all the other requirements, the second respondent shall satisfy himself on the requirements provided under G.O.Ms.No.48 dated 21.07.2004 and G.O.Ms.No.24 dated 23.04.2010 and proceed to consider the upgradation of the School from LKG to 8th Standard. This process shall be completed by the second respondent within 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.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 of Tamilnadu,
School Education Department,
St.George Fort,
Chennai-600 009.

2.The Director of Matriculation Schools,
DPI Campus,
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+1CC to Special Government Pleader (SR24404)

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SSS

RS (10.08.2021) 4P-6C