



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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**W.P(MD)Nos.16226, 16227 and 16228 of 2021
and**

W.M.P(MD) .Nos.13069, 13076 and 13078 of 2021

W.P(MD)Nos.16226 of 2021

The Correspondent,
R.C.Middle School,
Lingampatti,
Kovilpatti-628 502,
Thoothukudi District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.The Commissioner of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Thoothukudi District.

4.The District Educational Officer,
Kovilpatti, Thoothukudi District.

5.The Block Educational Officer,
Kovilpatti, Thoothukudi District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent, Chief Educational Officer, Kovilpatti, Thoothukudi District, to accord recognition forthwith to the High School Standards (9th and 10th) of the petitioner school from the academic year 2020-2021, on the basis of the application submitted to the respondents on 01.09.2020 (resubmitted on 17.08.2021).

W.P(MD)Nos.16227 of 2021

The Correspondent,
R.C.Middle School,
Lingampatti,
Kovilpatti-628 502,
Thoothukudi District.

... Petitioner



1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.The Commissioner of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Thoothukudi District.

4.The District Educational Officer,
Kovilpatti, Thoothukudi District.

5.The Block Educational Officer,
Kovilpatti, Thoothukudi District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent, Chief Educational Officer, Kovilpatti, Thoothukudi District, to approve the change of place of the upgraded High School Standards (9th and 10th) of the petitioner school namely St.Mary's High School, Lingampatti from current campus in Lingapatti, Kovilpatti-628 502, Thoothukudi District to new campus located in Survey Nos.50-3D, 51-5A1, 51-5B1, 51-3D, 51-5C to 51-5J, Lingampatti, Kovilpatti 628 502, Thoothukudi District on the basis of the application submitted to the respondents on 01.09.2020 (resubmitted on 17.08.2021).

W.P(MD)Nos.16228 of 2021

The Correspondent,
R.C.Middle School,
Lingampatti,
Kovilpatti-628 502,
Thoothukudi District.

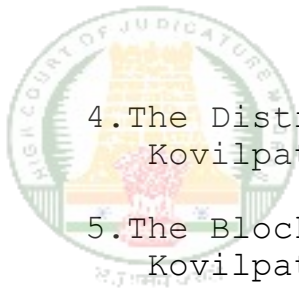
... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.The Commissioner of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Thoothukudi District.



4.The District Educational Officer,
Kovilpatti, Thoothukudi District.

5.The Block Educational Officer,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent, Chief Educational Officer, Kovilpatti, Thoothukudi District, to approve the change of name of the upgraded High School Standards (9th and 10th) of the petitioner school namely St.Mary's High School, Lingampatti, Kovilpatti 628 502, from current campus in Lingapatti, Kovilpatti-628 502, Thoothukudi District on the basis of the application submitted to the respondents on 01.09.2020 (resubmitted on 17.08.2021).

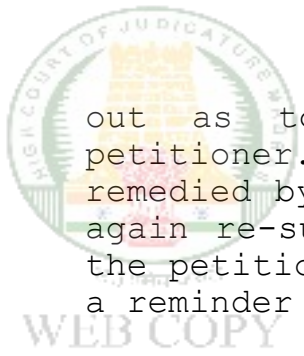
For Petitioner : M/s.M.Abisha
for M/s.Isaac Chambers
For Respondents : Mr.P.Subbaraj,
Counsel for State.
(In All Writ Petitions)

COMMON ORDER

These three Writ Petitions are filed seeking a direction to the Chief Educational Officer to grant provisional recognition to the ninth and tenth standards of the High School of the petitioner from the academic year 2020-2021 on the basis of the application submitted in such regard as also to approve the change of place of the upgraded High School to the new campus and to approve the change of name of the upgraded High School.

2. The petitioner states that it is a recognised and aided private School. It is also a religious minority educational institution. The School was initially established as a Primary School in the year 1950 and subsequently upgraded as a Middle School in the year 1966. According to the petitioner, there are 229 students currently studying in the said School.

3. After constructing a new building in a three acre land, which is said to be within 500 metres from the original campus, the petitioner submitted a proposal for recognition of the ninth and tenth standards and for the change of place and change of name as detailed above. It is stated that such proposal was returned to the petitioner under communication dated 16.02.2021 by which certain shortcomings were pointed out. In response thereto, the petitioner states that the deficiencies pointed out by the CEO were rectified and the proposal was re-submitted on 12.04.2021. In spite of rectifying the deficiencies, the petitioner states that the re-submitted proposal was not accepted on 11.08.2021 without pointing



out as to which deficiencies had not been remedied by the petitioner. In view of the fact that all the deficiencies had been remedied by the petitioner, it is stated that the proposal was once again re-submitted on 17.08.2021. In spite of such re-submission, the petitioner states that no action has been taken thereon although a reminder was also issued in such regard on 24.08.2021.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner was called upon to re-submit the proposal after remedying all the deficiencies. As long as all the deficiencies indicated in the communication dated 16.02.2021 are remedied, he states that there should be no difficulty in considering and disposing of the petitioner's proposal.

5. In light of the above submissions, it is not necessary to enter findings on the merits of the dispute. Instead, it is sufficient to direct the third respondent to dispose of the petitioner's proposal expeditiously.

6. Accordingly, without going into the merits of the matter, the third respondent is directed to consider the petitioner's re-submitted proposal dated 17.08.2021 and issue a reasoned order in response thereto within a period of thirty (30) days from the date of receipt of a copy of this order. Before issuing such reasoned order, the third respondent shall provide a reasonable opportunity to the petitioner.

7. W.P.(MD).Nos.16226 to 16228 of 2021 are disposed of on these terms without any order as to costs. Consequently, W.M.P(MD). Nos.13069, 13076 and 13078 of 2021 are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Secretary, State of Tamil Nadu,
Department of Higher Education,
Esplanade, Chennai-600 009.

<https://hcservices.ecourts.gov.in/Services>



2.The Commissioner of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Thoothukudi District.

4.The District Educational Officer,
Kovilpatti, Thoothukudi District.

5.The Block Educational Officer,
Kovilpatti, Thoothukudi District.

+3 CC to M/s.ISAAC CHAMBERS, Advocate (SR-29045[F] dated 14/09/2021)

+1 CC to M/s.SPL. GP (SR-28956[F] dated 14/09/2021)

W.P(MD)Nos.16226, 16227 and 16228 of 2021
13.09.2021

RD(22.09.2021) 5P 10C