



WEB COPY

W.P.No.17971 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.17971 of 2022 &
W.M.P.Nos.17317 & 17319 of 2022**

Boston Nursery and Primary School,
Kondalampatty, Salem – 636 010,
Represented by its Correspondent,
S.Partheeban

... Petitioner

VS.

1.The Director of Elementary Education,
DPI Campus, College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Collectorate Campus, Salem - 636 001.

3.The District Educational Officer (Salem – Rural),
Collectorate Campus, Salem – 636 001.

4.The Block Educational Officer,
(Panamarathupatti Union),
Panamarathupatti, Salem District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records with respect of the impugned proceedings of the fourth respondent dated 14.06.2022 in Na.Ka.No.527/A2/2019 and quash the same consequently direct the second



respondent to grant recognition to the petitioner school within the reasonable time as directed by this Court.

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For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.K.H.Ravikumar,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 14.06.2022 rejecting the petitioner's application seeking for grant of recognition for petitioner school.

2. Mr.K.H.Ravikumar, learned Government Advocate accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner has challenged the impugned proceedings on the following grounds viz.,

(a) The impugned proceedings of the fourth respondent by directing the petitioner to admit the students who are studying in the petitioner school in another school and thereafter report before them, when the petitioner's



application is pending for approval before the second respondent is not maintainable.

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(b) The petitioner has complied with all the defects and submitted the application before the second respondent for approval and the same is pending, while so it is not correct to direct the petitioner to admit the students who are studying in the petitioner school to another school.

(c) The petitioner has been running the school for more than 15 years and submitted repeated applications before the respondents 2 and 3, but for the reasons best known to them, they have refused to recognize the school for different reasons.

(d) The petitioner has complied with all the queries, whereas the respondents have not considered for more than two months.

4. Heard Mr.R.Nalliyappan, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondents.

5. The learned counsel for the petitioner would submit that the petitioner herein made repeated applications for recognition, whereas the respondents one way or the other for the reasons best known to them



returned the applications with different reasons and asked the petitioner to comply with certain queries and the petitioner has also complied with those queries raised by the respondents. However, according to the petitioner, despite complying with the same, the respondents herein rejected the application for different reasons. Under the impugned order, the respondents have rejected the petitioner's application seeking for grant of recognition on the following grounds:

- (a) Non production of DTCP approval for the subject school building.
- (b) The land requirement is not sufficient for granting recognition.

6. Since the petitioner categorically contends that the petitioner has satisfied all the statutory requirements for grant of recognition, no prejudice would be caused to the respondents if one more opportunity is granted to the petitioner to satisfy the requirements of the respondents in order to enable them to get recognition. The petitioner also contends that they have been running the school for the past 15 years and therefore, this court is of the considered view that one more opportunity must be granted to them.

7. For the foregoing reasons, the impugned proceedings of the fourth respondent dated 14.06.2022 is hereby quashed and the fourth respondent is



directed to once again reconsider the petitioner's application seeking for grant of recognition for the petitioner school within a time frame to be fixed by this Court. However the petitioner will have to necessarily satisfy the requirements of the fourth respondent as required under the statutory provisions by producing all the necessary documents/approvals. The fourth respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order. In case, the fourth respondent passes the final orders in favour of the petitioner, the competent authority who has to grant recognition shall grant recognition to the petitioner school within a period of four weeks thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2022

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Note: Issue order copy on 18.07.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking orders

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ABDUL QUDDHOSE, J.
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To
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