



W.P.No.20435 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20435 of 2014
and W.M.P.Nos.1 and 2 of 2014

Rural Light and Nursery & Primary School,
represented by its Correspondent Selvi Dhasaradha,
D.No.1/26A, Korathupaty,
Ayothiyapattinam Block,
Salem Taluk and District-636122.

... Petitioner

Vs.

1.The Chief Educational Officer,
Chief Educational Office,
District Collectorate,
Salem 636001.

2.The District Elementary Educational Officer,
District Elementary Educational Office,
District collectorate,
Salem-636001.

3.Mrs.Jayalakshmi,
Assistant Educational Officer,
Nursery and Primary School,
District Elementary Educational Office,
Salem636001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in NaKa.No.0027/A4/2014 dated 23.07.2014 and quash the same and consequently direct the 1st respondent to consider the application of the petitioner dated 15.05.2014 available in the office of the 2nd respondent and issue recognition order to the petitioner viz. Rural Light and Nursery and Primary School, D.No.1/26A, Korathuppatty, Ayothiyapattinam Block, Salem Taluk and District, 636122.

For Petitioner : Mr.R.Bala Ramesh

For Respondents : Mr.C.Selvaraj (for R1 and R2)
Additional Government Pleader
: No appearance (for R3)

ORDER

The writ petition was filed to quash the impugned order of the 2nd Respondent in NaKa.No.0027/A4/2014 dated 23.07.2014 and consequently direct the 1st respondent to consider the petitioner's application dated 15.05.2014 available in the office of the 2nd Respondent and issue recognition order to the petitioner viz., Rural Light and Nursery and Primary School, D.No.1/26A, Korathuppatty, Ayothiyapattinam Block, Salem District.



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2. The petitioner school was started as a Nursery & Primary School, in the backward region of Korathuppatty Village, Ayothipattinam Block of Salem District. An application was submitted by the petitioner to the Chief Educational Officer who is the 2nd Respondent herein along with the requisite annexures for getting Approval/Recognition. Thereafter inspection was conducted on 09.06.2014 and the 2nd respondent vide communication dated 12.06.2014 pointed out that there were six defects which needs to be rectified. The petitioner thereafter, on 23.07.2014 informed the 2nd Respondent that the defects pointed out has been rectified and requested that recognition may be granted.

3. Whiles, the impugned order dated 23.07.2014 was passed stating that nursery schools cannot be run without recognition in terms of Right of Children to Free and Compulsory Education Act, 2009 and directed to close down the school and further provided that if the petitioner continued to run the school a penalty of Rs.1,00,000/- and an additional penalty of Rs.10,000/- per day will be imposed under Section 18(i) of Right of



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Children to Free and Compulsory Education Act, 2009.

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3. Aggrieved by the same, the petitioner has filed the present writ petition. It may be relevant to note that an interim order was granted by this Court on 01.08.2014, on the strength of the interim order the School has been functioning since. I find that the impugned order has been passed without taking into account the subsequent developments viz., rectification of the defects pointed out by the 2nd Respondent earlier.

4. It is submitted by the learned counsel for the Respondents that there is an amendment to the Regulation vide G.O.Ms.No.101, dated 18.05.2018 whereby recognition will be granted by the Director of Elementary Education on the basis of an application submitted to the Chief Educational Officer.

4. This Court is of the view that the impugned order is liable to be set aside. The petitioner may file a fresh application before the appropriate authority within 4 weeks from the date of receipt of the copy of this Order.



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If such application is made it is open to the Respondents to conduct inspection afresh and consider and dispose of the petitioner's application in accordance with law after providing an adequate opportunity to the petitioner within a period of 8 weeks from the date of receipt of a copy of such application.

5. The interim orders passed by this Court during the pendency of this writ petition shall continue to be in force till final order is passed by the Respondents if application is filed by the petitioner. However, if no application is filed by the petitioner the interim order would cease to have effect after four weeks from the date of receipt of the copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions stands closed.

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Speaking (or) Non Speaking Order
Index : Yes/ No
Psa



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To

WEB COPY

- 1.The Chairman and Managing Director,
TANGEDCOO,
144, Anna Salai,
Chennai-600 002.

- 2.The Superintending Engineer,
Chennai Electricity Distribution Circle/ North,
TANGEDCO,
144, Anna Salai,
Chennai-600 0002.



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MOHAMMED SHAFFIQ, J.

Psa

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