



W.P.(MD)No.4825 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.4825 of 2022

Hindu Vidyalaya Nursery & Primary School,
Rep. By its Secretary,
K.Muthukumar,
S/o.M.Kamaraj,
3-197-1 Main Road,
Mayamankurichi, Alangulam,
Tirunelveli District.

.. Petitioner

Versus

1.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Compound,
College Road,
Chennai.

2.The Chief Educational Officer,
Tenkasi District,
Tenkasi.

3.The District Educational Officer,
Sankarankovil Educational District,
Sankarankovil, Tenkasi.

4.The Block Educational Officer,
Alangulam Range,
Tenkasi District.

.. Respondents



W.P.(MD)No.4825 of 2022

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order dated 20.01.2022 passed by the third respondent and quash the same as illegal, consequently directing the respondents to grant permanent recognition to the petitioner's school within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Chellapandian
For Respondents : Mr.V.Om.Prakash
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order dated 20.01.2022 passed by the third respondent and quash the same as illegal, consequently directing the respondents to grant permanent recognition to the petitioner's school.

2.The case of the petitioner is that the petitioner obtained a pre-approval on 07.07.2015 from the President of Mayamankurichi Village Panchayat to construct a school building. Thereafter, he was constructed a school building consisting of 1562.27 Sq.ft without plinth area and running a Nursery & Primary School in the name & style of “Hindu Vidyalaya Primary & Nursery School”. He wants to get a recognition from the competent authority and hence, he made an application on 05.12.2017 to the fourth respondent. On



W.P.(MD)No.4825 of 2022

receipt of the said application, the fourth respondent forwarded the same to the third respondent in Na.Ka.No.881/A3/2021, dated Nil.12.2021 to grant of recognition. Thereafter, the third respondent returned the said application of recognition in which the third respondent pointed out some deficiencies. After rectifying the deficiencies, the petitioner's application was kept pending for more than 3 years without passing any orders. Finally, on 20.01.2022, the third respondent passed an order rejecting the petitioner's application stating that the building plan approval should be obtained from the Directorate of Town and Country Planning (DTCP) Department.

3. The learned counsel for the petitioner would submit that the competent authority for building plan approval is the executive authority of the local body. In the present case, the executive authority is the President of the Mayamankurichi Village Panchayat and hence, he had obtained plan approval on 07.07.2015.

4. The learned counsel for the petitioner relied on the judgment of the Division Bench of this Court in the case of *The Tamilnadu unaided Polytechnic Management Association Vs. The State Tamil Nadu & others in W.P.No.7236 of 2013* and submitted that the plan approval given by the local authority is competent authority, who is the executive authority of the local



W.P.(MD)No.4825 of 2022

body and being the President of the Mayamankurichi. Further, the Education Department in G.O.Ms.No.66, dated 03.08.2020 has extended the recognition for all the schools till 31.05.2022. Hence, considering the same, the petitioner's application dated 05.12.2017 for recognition to be disposed of by considering the dictum laid down in the case of **Kaviyan School** case reported in **2015(2) LW 601** and also in the light of G.O.Ms.No.66, dated 03.08.2020.

5. The learned Government Advocate appearing for the respondents would submit that the petitioner's application will be considered based on the judgment relied on by the learned counsel for the petitioner and fresh orders will be passed if the petitioner shall produce all the relevant documents as per the regulations of the Education Department.

6. Considering the above facts, this Court is inclined to set aside the order of the third respondent, dated 20.01.2022 and directed the respondents to consider the petitioner's application dated 05.12.2017 and to grant permanent recognition to the petitioner's school based on the judgment rendered by this Court and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD)No.4825 of 2022

7. Accordingly, this writ petition is allowed. No costs.

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Index : Yes/No
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26.09.2022

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W.P.(MD)No.4825 of 2022

V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.4825 of 2022

26.09.2022