



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7570 of 2022

and

W.M.P.[MD]Nos.5739 & 5742 of 2022

Al Jannath Nursery and Primary School,
Represented by Its Secretary/Correspondent,
A.Mohamed Mahin Abubakkar.

... Petitioner

/Vs./

1. The District Educational Officer,
Nagercoil,
Kanyakumari District.

2. The Block Development Officer,
Suseendram,
Kanyakumari District.

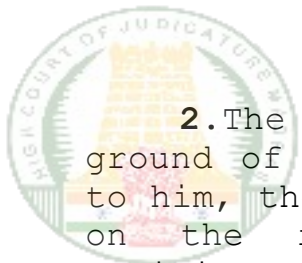
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in O.Mu.No.5051/A2/2021 dated 11.12.2021 confirming the order passed by the 2nd respondent vide his impugned proceedings in A.Thi.Mu.No.697/A2/2020 dated 13.10.2020 and quash the same as illegal and consequently to direct the 1st respondent to consider the petitioner's application for granting renewal of recognition without reference to the pendency of the writ petition in W.P.(MD) No.26869 of 2019.

For Petitioner	: Mr.Mohammed Imran for M/s.Ajmal Associates
For Respondents	: Mr.N.GA.Nataraj Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 11.12.2021 passed by the first respondent confirming the order dated 13.10.2020 passed by the second respondent rejecting the petitioner's application seeking for renewal of recognition of the petitioner's school on the ground that the writ petition in WP(MD)No.26869 of 2019 is pending on the file of this



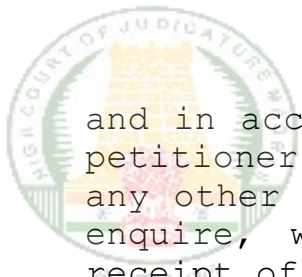
2.The petitioner has challenged the impugned orders on the ground of violation of principles of natural justice. According to him, the writ petition in WP(MD)No.26869 of 2019 has no bearing on the respondents seeking grant of recognition for the petitioner's school. Further, no interim order prohibiting the respondents from granting renewal of recognition for the petitioner's school was not also not passed in the aforementioned writ petition in WP(MD)No.26869 of 2019. According to the petitioner, by total non application of mind, the impugned orders have been passed by the respondents. Further, he would contend that no opportunity of hearing was also granted to the petitioner before passing the impugned orders. In such circumstances, the petitioner has challenged the impugned orders on the ground that the orders are non-speaking orders and have been passed in violation of principles of natural justice.

3.Heard Mr.Mohammed Imran, learned Counsel for the writ petitioner and Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents.

4.As seen from the impugned orders, no opportunity of hearing has been granted. The petitioner is running a Nursery and Primary School. The contentions of the petitioner raised in this writ petition have not been considered in the impugned orders. The writ petition in WP(MD)No.26869 of 2019 has been filed by a resident of the same area, where the petitioner School is located, for shifting the School, to another place. However, no interim order has been granted in the said writ petition.

5.Since no opportunity of hearing has been granted to the petitioner in WP(MD)No.26869 of 2019, this Court is of the considered view that by total non-application of mind, by not adhering to the principles of natural justice, the impugned orders have been passed rejecting the petitioner's application seeking for renewal of recognition of the petitioner's school. Hence, this Court is of the considered view that the impugned orders passed by the respective respondents have to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner herein, the petitioner in WP(MD)No.26869 of 2019 as well as any other necessary party, whom the first respondent deems fit to enquire.

6.For the foregoing reasons, the impugned orders dated 11.12.2021 passed by the first respondent and 13.10.2020 passed by the second respondent are hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent is directed to pass final orders on merits



and in accordance with law, after affording a fair hearing to the petitioner herein, the petitioner in WP(MD)No.26869 of 2019 and any other necessary party, whom the first respondent deems fit to enquire, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:

1. The District Educational Officer,
Nagercoil,
Kanyakumari District.

2. The Block Development Officer,
Suseendram, Kanyakumari District.

+1 CC to M/s.SPL.GP. (SR-20727[F] dated 22/04/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-20757[F] dated 25/04/2022)

order made in
W.P.[MD]No.7570 of 2022
Dated:21.04.2022

USK/06.05.2022/3P/4C