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W.P(MD)No.24832



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24832 of 2022

and

W.M.P(MD)No.18920 of 2022

Kaviyan School,
Rep. by its Correspondent,
Mr.C.Deenathayalapandian

... Petitioner

Vs

1.The Director of Matriculation Schools,
Directorate of Matricualtion Schools,
DPI Campus,
Chennai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to grant temporary recognition for upgrading the petitioner school to Matriculation Higher Secondary (11th and 12th standards) pending disposal of the above writ petition.

For Petitioner

: Mr.M.Ajmal Khan
Senior Counsel
for Ajmal Associates

For R1 & R2

: Mr.S.Shaji Bino
Special Government Pleader



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to grant temporary recognition for upgrading the petitioner school to Matriculation Higher Secondary (11th and 12th standards) pending disposal of the above writ petition.

2.Heard Mr.M.Ajaml Khan, learned senior counsel appearing for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner submits that the petitioner's school was established on 07.09.2006 by Jagamathi Educational Trust which is a public Educational and Charitable Trust. The said trust acquired the land to an extent of 14.88 acres at Indira Nagar, Maliyakoundanpatti which is a rural area under a registered lease deed, dated 07.09.2006 vide Doc.No.1847/2006 for a period of 30 years for construction of a school. While that being so, in the year 2007 a portion of land to an extent of 2.45 acres out of the entire land taken on lease was acquired by the Government for the National Highways. The land so acquired cuts across the land taken on lease by the petitioner school and virtually divided the same into 2 portions. Pursuant to the same, about 2.29 acres of land fell on the side of the



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Highway and an extent of 10.14 acres of land fell on the other side of the Highway.

The land is a composite land. The trust submitted an application to Malaiyakoundanpatti Village Panchayat seeking approval of the building plan for construction of ground floor of the school building and the Panchayat granted approval of the building plan in the year 2009 and thereafter, the construction of ground floor measuring about 17000 sq.feet was completed on one portion of the land. The petitioner's school made an application to the educational authorities seeking permission to commence classes from LKG to VI standard on 28.08.2009. Since the petitioner school satisfied all the requirements of a Matriculation school including infrastructural requirements, the District Educational Officer, Dindigul had recommended for the grant of approval and subsequently, the first respondent granted permission to the school on 04.01.2010 for a period of 3 years from 01.06.2009 to 31.05.2012.

4. He would further submit that it is an undisputed fact that the petitioner had already been granted recognition upto X standard and the petitioner school is now seeking for upgradation upto XII Standard. In the meanwhile, the Government had formed a committee and based on the report submitted by the said Committee, G.O(Ms) No.175, School Education Department, dated 20.07.2017 was issued. As per the said Government Order, if the land space is not fulfilled in the ratio of 10 sq.ft per student and 40 sq.ft per teacher, the School will not be entitled for



upgradation. It is also specifically stated in the said Government Order that except the norms pertaining to the land space as specified in G.O.Ms.No.24 and 48 stated supra, all the other conditions imposed under the said G.O., will continue to be followed. It is pertinent to point out here that the petitioner school has duly complied with the norms regarding the land space as provided under G.O.Ms.No.175 and they have also satisfied all the other norms under G.O.Ms.No.24 and 48. It is made clear that the petitioner's school has complied with the requirements regarding the land space as per G.O.Ms.No.24 and 48 as held by this Court in W.P.No.5225 of 2013. Further, the petitioner's school has also complied with the building space norms as required under G.O.Ms.No.175. Hence, there is no justification on the part of the respondents to keep the proposals for upgradation of the petitioner's school pending till dated. As on date, almost 350 children have been studying in the school which is situated in a rural area. The initiation of higher secondary classes is of great significance in promotion of the rural education in that area. Unless the recognition for Higher Secondary Classes is granted to the petitioner school, the petitioner will be put to utmost hardships and irreparable loss. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Special Government Pleader appearing for the respondents would submit that appropriate direction may be given to the respondents to consider the petitioner's request, in accordance with law, within a time frame.



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6.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the first respondent to consider the proposals recommended by the second respondent in his proceedings in Na.Ka.No.5336/A3/2022, dated 21.07.2022 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
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23.11.2022

To

1.The Director of Matriculation Schools,
Directorate of Matricualtion Schools,
DPI Campus,
Chennai.

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



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V.BHAVANI SUBBAROYAN, J.

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