



W.P.No.17617 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17617 of 2023

IQRA Nursery and Primary School,
No.7, 8 Jayamith Nagar,
Kottakuppam, Vanur Taluk,
Villupuram District – 605 104.
Represented by its Correspondent,
Sulthana Ameen

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Villupuram District,
Villupuram.
3. The District Educational Officer (Private Schools),
Villupuram Educational District,
Villupuram District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to pass orders for granting approval / recognition for the petitioner School having standards LKG to V with effect from 01.06.2018 in accordance with law, without reference to DTCP approval as stated in the proceedings of the third respondent in Na.Ka.No.345/A4/2021 dated 03.02.2022.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan
For Respondents : Mr.V.Manoharan

ORDER

This Writ Petition has been filed for a direction to the respondents to pass orders for granting approval / recognition for the petitioner School having standard LKG to V with effect from 01.06.2018 in accordance with law, without reference to DTCP approval as stated in the proceedings of the third respondent in Na.Ka.No.345/A4/2021 dated 03.02.2022.

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner School is having LKG to V Standard and is in



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compliance of all norms and standard with reference to infrastructural and instructional facilities in accordance with regulation for approved Nursery and Primary Schools. The petitioner School has been complied with all legal requirements and obtained Statutory Certificates from the Competent Authorities. Based on the application submitted by the petitioner School for approval for standard LKG to V for the period from 01.06.2018, the Block Educational Officer, Vanur Block has carried out inspection on 29.06.2018, and submitted proposal to the District Educational Officer vide proceedings dated 29.06.2018, but the same was returned by the District Educational Officer in the year 2019. Thereafter, based on the re-submission of proposal on 17.06.2019, the Chief Educational Officer, Villupuram forwarded the same to the first respondent vide proceedings dated 10.09.2019. Again the Block Educational Officer has forwarded the proposal to the second respondent on 01.11.2021 and 19.11.2021, however the third respondent is the authority to process the application issued proceedings dated 03.02.2022 returning the proposal mainly on the ground that the salary for the teachers would be kept in the Savings Account of the School instead of RD account



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in Indian Overseas Bank. Whereas the second condition relates to approval of DTCP and that necessary approval should be obtained from DTCP for construction of the School building after 2011.

3. The learned Senior Counsel further submitted that it is well settled law as per the ratio laid down by this Court that the question of obtaining approval from DTCP for the School buildings constructed within the limits of Municipalities / Town Panchayat does not arise. Accordingly, the second reason as stated in the communication dated 03.02.2022 is not sustainable. Hence, the present Writ Petition has been filed.

4. The Senior Counsel appearing for the petitioner submitted that it would suffice, if this Court may direct the respondents to grant approval / recognition for the petitioner School having standard LKG to V with effect from 01.06.2018 in accordance with law.



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5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the request of the petitioner for granting approval / recognition for the petitioner School having standard LKG to V with effect from 01.06.2018 and pass appropriate orders on merits and in accordance with law in the light of the order passed in W.A.(MD)No.1139 of 2015, if it is applicable.

7. This Writ Petition is disposed of in the above terms. No costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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