



W.P(MD)No.10962 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10962 of 2023

Mohideen Masthan Middle School,
Through its Correspondence,
H.Hajamohideen,
Seydunganallur,
Karungulam Union,
Tuticorin District – 628 809

... Petitioner

Vs

1.The District Educational Officer,
Elementary,
Pudhukottai,
Tuticorin District,
Tuticorin.

2.The Block Educational Officer,
Karungulam Block,
Karungulam,
Tuticorin District – 628 615

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to forthwith release the maintenance grant to the petitioner school.



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For Petitioner : Mr.V.R.Shanmuganathan
For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner's School, a minority School established in the year 1940 and was also provided with maintenance grant from the Government. With a grievance that the maintenance grant was not provided by the first respondent for the year 2022-2023, the petitioner has filed this writ petition for a Mandamus, directing the respondents to provide grant for the academic year 2022-2023.

2.The learned Special Government Pleader by referring the counter affidavit submits that the Directorate of Elementary Education, Chennai, by his proceedings in Na.ka No.6469/C1/2022, dated 17.01.2023 has issued certain directions to the Block Educational Officer to ascertain that the management of the aided school should have the following four required certificates for the current period to which maintenance grant is claimed.

- 1.Building License
- 2.Building Stability Certificate



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3.Sanitary Certificate

4.No Objection Certificate from Fire Department and the same needs to be considered before the grant of maintenance for the particular year. In this case, the petitioner's request for building license was rejected by the Tahsildar by order dated 30.06.2021. Therefore, the case of the petitioner for grant of maintenance for this academic year has not been considered.

3.The learned counsel for the petitioner by referring the order passed by this Court in 15947/21 dated 27.06.2023 submits that the Tahsildar has rejected the building license based on the objections of a Waqf Board and that was also considered by this Court. This Court by order dated 27.06.2023 has quashed the order passed by the Tahsildar in Na.ka.D1/2108/2021 dated 30.06.2021 and permitted the petitioner to submit a fresh representation along with all documents, which were relied on by the petitioner before the Tahsildar, Srivaikundam Taluk. A direction has also been issued to the Tahsildar, Srivaikunam to take up the application filed by the petitioner and dispose of the same within four weeks from the date



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of receipt of the petitioner's representation.

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4.Considering the further development in this case, this writ petition is disposed of with a liberty to the petitioner to submit a fresh application along with the license to be granted by the Tahsilar to the first respondent. If any such application is submitted, the same shall be considered by the first respondent as expeditiously as possible preferably within a period of four weeks. No costs.

24.08.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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To

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B.PUGALENDHI, J.

vrn

Order made in
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10.08.2023