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W.P.No.11450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.11450 of 2024

and

W.M.P.Nos. 12556 & 12557 of 2024

The Oxford Nursery and Primary School,
Rep. by Correspondent, C.Elumalai,
Sri Lakshmi Nagar, Thellar,
Vandavasi Taluk,
Thiruvannamalai District – 604 406.
(New Name : Sri Ragavendra International Nursery & Primary School)

... Petitioner

Vs.

1. Secretary to Government,
Education Department,
State of Tamil Nadu,
St. George Fort,
Chennai – 600 009.
2. The Director,
Tamil Nadu Matriculation Private School Education,
Chennai – 600 006.
3. The Joint Director,
Tamil Nadu Matriculation Private School Education,
Chennai – 600 006.
4. The District of Educational Officer (Private Schools)

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Adiannamalai,
Thiruvannamalai District – 606 604.

5. The Chief Education Officer,
Integrated School Education,
Thiruvannamalai District – 606 601.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, call for the entire records against the third respondent in O.Mu.No. 9670/E3/2023 dated 20.11.2023, and quash the same and consequently direct the fourth respondent herein for renewal of the school name Oxford Nursery and Primary School for the year of 2022 to 2025 Sri Lakshmi Nagar, Thellar, Vandavasi Taluk, Thiruvannamalai District.

For Petitioner : Mr.K. Harikrishnan

For Respondents : Mrs.P.Rajarajeswari
Government Advocate

ORDER

The writ has been instituted to call for the records with reference to the proceeding dated 20.11.2023 and quash the same and consequently, direct the fourth respondent herein to renew the school name Oxford Nursery and Primary School for the year of 2022 to 2025, situate at Sri Lakshmi Nagar, Thellar, Vandavasi Taluk, Thiruvannamalai District.

2. The petitioner is Oxford Nursery and Primary School. The



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petitioner/school has initiated action to merge the school along with Sri Ragavendra International Kinder Garden and Primary School. In this regard, the petitioner/school submitted an application to the respondents. The respondents conducted inspections and found certain deficiencies in the school and accordingly, passed the impugned proceedings dated 20.11.2023 providing opportunity to the petitioner to rectify the deficiencies enabling the competent Authority to consider the application submitted by the petitioner/school.

3. Mr.K.Harikrishnan, learned Counsel appearing on behalf of the petitioner/school would submit that admissions are to be made. Therefore, the school may be permitted to admit the students and necessary entries may be made by the department. However, the School says that deficiencies noticed by the Authorities will be rectified as soon as possible.

4. This Court is of the considered opinion that it is a pre-condition that the school must be equipped with all requirements as contemplated under the Statutes, Rules and Regulations. When the competent Authority conducted inspections and identified deficiencies and informed the same to



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the petitioner/school, they are bound to rectify the same and submit a Report to the Authorities for the purpose of considering their application for merger or to admit the students, as the case may be.

5. In the event of dispensing with the procedure of rectification of deficiencies, the same would cause prejudice to the interest of the children, who all are securing admission and studying in the school. Therefore, Courts are not expected to show mis-placed sympathy in the matter of compliance of mandatory requirements to run the school across the State of Tamil Nadu.

6. Building specifications, infrastructural facilities and other amenities as contemplated by the Education Department are to be scrupulously provided by all the schools. In this regard, the competent Authorities of the Education Department are directed to conduct frequent inspections to ensure that the safety and security of the children are protected both in private and Government schools.

7. Any mis-placed sympathy by the Courts or the Authorities in the



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matter of maintaining the mandatory requirements, would result in a wrong precedent and many such persons will be tempted to run the schools without requiring infrastructural facilities and amenities, which all are mandatory under the Rules and regulations. Thus, this Court is not inclined to consider the writ petition.

8. However, the petitioner/school is at liberty to rectify all the deficiencies noticed by the competent Authorities of the Education Department and submit a Report. In the event of receiving any such Report, the same may be considered by the competent Authorities of the Education Department for grant of permission or approval, as the case may be.

9. With these clarifications, the Writ Petition stands **dismissed** at the admission stage itself. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM,J.



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