



W.P.No.11501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.11501 of 2024

Sri Kanchi Kamakoti Peetathipathi
Jayendra Saraswathy Sankara
Nursery and Middle School,
6/338, Thoppu Street,
Pulivalam,
Thiruvarur District 610 109,
Represented by its Hon Correspondent
M.V.Balasubraminan

... Petitioner

Vs.

1. District Educational Officer,
O/o District Educational Officer,
Ground Floor, Collectorate Annexe Building,
Thiruvarur – 610 004.
2. Director of Private Schools,
Directorate of Private School,
Perasiriyar Anbalagan Kalvi Valagam,
Chennai – 600 006.

(R2 *suo motu* impleaded *vide* order dated
24.04.2024 in W.P.No.11501 of 2024 by SMSJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for

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issuance of writ of Mandamus, directing the respondents to issue orders on petitioner's application dated 18.03.2024 within a time frame so as to enable the petitioner to commence the 9th standard as a High School from the commencement of the ensuing academic year.

For Petitioner : Mr.S.Ravindran,
Senior Counsel
for M/s Gopalan and Co.

For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

The writ of mandamus has been instituted to direct the respondent to issue order on petitioner's application dated 18.03.2024 within a time frame, so as to enable the petitioner to up-grade the school as High school.

2. The petitioner/School has been functioning from the year 2000 and it had received the first recognition as Nursery and Primary School on 01.11.2002 and it was renewed from time to time and renewed up to 2020. The school was developed by constructing additional concrete buildings and now functioning as Middle School. The petitioner/school has taken a decision to submit an application for up-gradation of School as High School. The application was submitted on 18.03.2024.



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3. Prior to the submission of the application, the petitioner filed W.P.No.4851 of 2021 to grant unconditional up-gradation to the petitioner/school by deleting the conditions. However, this Court directed the Joint Director of Elementary Education to consider the application and pass appropriate orders. Accordingly, the order dated 03.03.2022, was issued by the Director of Elementary School Education, Chennai stating that the petitioner has to comply with the conditions. In view of the order dated 03.03.2022, the contempt petition in Cont.P.No.99 of 2022 filed by the petitioner/school was closed by this Court.

4. Mr.S.Ravindran, learned Senior Counsel appearing on behalf of the petitioner/school would submit that the approval for Middle School was renewed but the application submitted for up-gradation of the School is yet to be considered. The students studying in 8th standard are willing to continue their studies in the petitioner/school itself. Therefore, in the event of up-gradation, the students completing 8th standard in the petitioner/school will be benefited.



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5. Mr.V.Manoharan, learned Government Pleader would submit that the Authorities have to conduct inspection and take a decision by following the due process.

6. In view of the fact that Director of Private Schools, Chennai is the competent Authority for grant of up-gradation, he has been *suo motu* impleaded as respondent in the present writ petition.

7. Since the school is functioning for the past about 20 years and considering the fact that an inspection was already conducted in November 2023, the Director of Private Schools, Chennai shall consider the application submitted by the petitioner dated 18.03.2024 for up-gradation of the school by conducting further inspections and accordingly, dispose of the said application by passing orders on merits and in accordance with law on or before 31.05.2024 and communicate the said order to the petitioner/school.

8. Accordingly, this Writ Petition stands **disposed of**. There shall be



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no order as to costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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Thiruvavarur – 610 004.
2. Director of Private Schools,
Directorate of Private School,
Perasiriyar Anbalagan Kalvi Valagam,
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S.M.SUBRAMANIAM,J.



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