



W.P.No.18276 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18276 of 2021
and
W.M.P. No. 19514 of 2021

Murugan Nursery and Primary School,
Represented by its Correspondent
M.G.Rajarajan
No. 61.A, Kunjaramoorthy Vinayagar Koil Street,
and No.22, Mettu Street,
Chidambaram,
Cuddalore District.

... Petitioner

Vs

1. The Director of Elementary School,
DPI Campus,
Nungambakkam,
Chennai – 600 006.
2. The Chief Educational Officer,
Cuddalore,
Cuddalore District.
3. The District Educational Officer,
Chidambaram,
Cuddalore District.



W.P.No.18276 of 2021

4. The Block Educational Officer,
Kumaratchi Block,
Cuddalore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records made in Na. Ka. No. 2731/A4/2014 dated 10.08.2021 on the file of the third respondent herein and quash the same as illegal and Direct the respondents to grant renewal recognition for the year 01.06.2017 to 31.05.2020 for the petitioner's Murugan Nursary and Primary School at No. 61.A, Kunjaramoorthy Vinayagar Koil Street, and No.22, Mettu Street, Chidambaram, Cuddalore District to secure the ends of justice.

For Petitioner : Mr. R.Sankarasubbu

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 10.08.2022, thereby, the request made by the petitioner for recognition of the petitioner/School, was rejected.



W.P.No.18276 of 2021

WEB COPY

2. The petitioner/School is situated at No. 61.A, Kunjaramoorthy Vinayagar Koil Street, and No.22, Mettu Street, Chidambaram, Cuddalore District. The petitioner/School approved by the second respondent for the period of one year from 01.06.2005 to 31.05.2006. The second renewal was granted on 06.11.2007 for the period from 01.06.2006 to 31.05.2008. Subsequently, the petitioner submitted application from renewal for the period from 01.06.2008 to 31.05.2011 to the third respondent. However, it was rejected by the communication dated 10.08.2021. Thereafter, the petitioner did not obtain approval of renewal from 01.06.2008 till date. In fact, the land in which the School is situated is under dispute. The suit was filed in O.S. No. 140 of 2011 on the file of the Additional District Munsif Court, Chidambaram and the said suit was decreed and the petitioner/School was directed to vacate and hand over the vacant possession. Therefore, the District Collector had also published the name of the petitioner/School in the newspapers and informed the public not to admit any student in the petitioner/School, since it was an unrecognized one.



W.P.No.18276 of 2021

WEB COPY

3. As per G.O (Ms) No. 131, School Education Department, dated 10.08.2006, there should be one emergency Exit staircase. The said Governmental Order should be scrupulously followed by each and every School, including the petitioner/School. However, the petitioner/School did not even comply any of the conditions imposed by the third respondent. As per the said Government Order, 10 recommendations have been made which are extracted below:-

Annexure - II

School Building (Future) Location – Site – The 10 Recommendations

1.	The minimum land for school buildings shall be proportional to the number of students with sufficient space for future expansion.
2.	Each school should have sufficient space for easy movement, playground, assembly, etc.,
3.	The open space inside and around the school building should allow enough light and ventilation inside the building.
4.	The open space should be directly proportional to the height of the building.
5.	The site of the school building should not open directly to the National/State Highways with heavy vehicular traffic.
6.	The site should not be close to water holding bodies, forests, etc.,
7.	The site should not be in the neighbourhood of garbage dumps, dusty and noisy roads or factories.
8.	The site should not be surrounded by high-rise buildings preventing light and free air circulation.
9.	Compound wall all-round the boundary of the site shall be preferable.



W.P.No.18276 of 2021

	In the case of fencing, barbed wire fencing shall be avoided.
10.	There shall be one entrance to the school premises of width directly proportional to the student strength of the school.

Annexure - III

Construction – Site – The 10 Recommendations

1.	School buildings should be strongly founded on hard strata.
2.	School buildings shall preferably be of 'A' class construction, i.e., with brick/stone masonry walls with RCC roofing.
3.	Only non-combustible materials shall be used for the construction of school buildings.
4.	The building shall be water tight and shall not have leaky roof.
5.	The walls and ceiling shall be white washed for bright lighting inside the classroom.
6.	The flooring should be either of plain cement concrete of 26 mm. thickness or finished with kota stone/kedappa stone/non slippery ceramic tiles.
7.	The maximum number of floors in the school should be 1 + 2 (Ground + First + Second Floors).
8.	Lower classes (up to Standard III) should always be in the ground floor.
9.	The basement height shall be not less than 30 cm.
10.	There should be a covered verandah in front of each classroom of width not less than 1.80 metres.

Annexure - III

Classrooms – Site – The 10 Recommendations

1.	The minimum size of the classroom should be 6 m x 6 m or 400 sq.ft. for a student strength not exceeding 40.
2.	The thickness of walls should be not less than 23 cms.
3.	The height of the classrooms from floor level to bottom of roof shall



W.P.No.18276 of 2021

WEB COPY

	be not less than 3.06 metres.
4.	Each classroom shall have at least 2 door 2 window openings.
5.	Doors should be made of either non-combustible materials or materials with high fire-resistance rating.
6.	Doors shall always open outwards.
7.	Door shutters when open should not obstruct movement along the exit or escape route.
8.	Windows should be provided at regular intervals to ensure uniform lighting inside the classrooms.
9.	No guard bars for windows in the ground floor. However, guard bars of 10 cm. spacing should be provided for all windows in upper floors.
10.	Windows shall be made of non-combustible material or materials with high fire resistance rating.

4. Further, as per the Tamil Nadu Right to Free and Compulsory Education Act, 2009, the norms and standards of school building, are extracted below:-

Sl. No	Item	Norms and Standards
2.	Building	All-weather building consisting of- (i) at least one classroom for every teacher and an office-cum-store-cum-Head teacher's room; (ii) barrier-free access; (iii) separate toilets for boys and girls; (iv) safe and adequate drinking water facility to all children; (v) a kitchen where mid-day meal is cooked in the school; (vi) playground.



W.P.No.18276 of 2021

WEB COPY

5. However, the petitioner/School failed to fulfil any of the norms and standards as stated above. Consequently, the Government had constituted Expert Committee and by its recommendations, order had been passed in G.O. (Ms) No. 175, School Education Department, dated 20.07.2017. Accordingly, the following requirements are made mandatory:-

Sl. No	Requirements
1.	Minimum of 10 sq.ft per child and 40 sq.ft per teacher shall be provided by the school. Considering the size of the classroom, the number of children to be accommodated is to be assessed and the excess number of student should be reduced in the phased manner in four years by restricting admissions. This should be continuously monitored by the Inspecting Officers.
2.	On account of not fulfilling the land norms by these schools, permission to start additional standards should not be permitted.
3.	With regard to the schools existing in the minimum land area and height of the building and play ground is concerned, appropriate action will be taken in future on the basis of report by the sub-committee of high level committee of Town and Country Planning.
4.	On toilet for 50 children, one urinal for 20 children, one hand was tap for 20 children and one protected drinking water tap for 20 children.
5.	If it High and Higher Secondary School, provision for Library Laboratory, and Playground has to be made sufficiently. Laboratory facility has to be provided with reference to the subjects and syllabus.
6.	As per the existing rules, the Building licence, Health Certificate, NOC from Fire and Mitigation Department, are to be renewed then and there.



W.P.No.18276 of 2021

Sl. No	Requirements
7.	Schools functioning in two or more places, shall be allowed to continue with a condition that the students studying in one place should not be trans located to other place.
8.	All the safety measures to be fulfilled as per the Government orders in G.O. (Ms) No. 131, School Education Department, dated 10.08.2006 and G.O. (Ms). No. 270, School Education Department, dated 22.10.2012.
9.	All the schools should comply with the Right to Free and Compulsory Education Act, 2009.
10.	Except the land requirement guidelines, all other guidelines laid down in G.O. (Ms) No. 48, School Education Department, dated 21.07.2004, G.O. (2D) No. 24, School Education Department, dated 23.04.2010 should be followed.

6. Admittedly, the petitioner/School is functioning in asbestos sheet roof in a length of building at 60 feet and in another side, the length of building is at 20 feet. The school does not have any playground area and as such, the building is not suitable to function as Nursery and Primary School. The building of the School threatened the life of the young wards. Therefore, the recognition was rightly rejected and this Court finds no infirmity or illegality in the impugned order passed by the third respondent.



W.P.No.18276 of 2021

WEB COPY

7. In the result, this Writ Petition is dismissed. However, if the petitioner/School complies with the above conditions, they can very well apply for fresh recognition. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.06.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The Director of Elementary School,
DPI Campus,
Nungambakkam,
Chennai – 600 006.
2. The Chief Educational Officer,
Cuddalore,
Cuddalore District.
3. The District Educational Officer,
Chidambaram,
Cuddalore District.
4. The Block Educational Officer,
Kumaratchi Block,
Cuddalore District.



WEB COPY



W.P.No.18276 of 2021

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.18276 of 2021

19.06.2024