



W.P.No.26410 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26410 of 2021 and
WMP.Nos.27867 & 27869 of 2021

Sai Vihar Nursery and Primary School,
Rep. By its Founder & Correspondent
Dr.C.Kuppusamy,
Arisipalayam, Salem Urban Union,
Salem 636 009

... Petitioner

Vs.

- 1.The Secretary,
Education Department,
St.George Fort, Chennai 600 009
- 2.The Director,
Primary School Education,
Nungambakkam, Chennai 600 006
- 3.The Chief Educational Officer,
Salem District, Salem
- 4.The District Education Officer for
Primary Education, (Urban-I),
Salem City 636 001

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order dated 29.11.2021 in Na.Ka.No.24227/F1/2019 issued by the second respondent and to quash



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the same consequently direct the respondents to issue licence/ order of recognition to the petitioner-school for running a Nursery and Primary School in the building bearing Door No.125JKL, Arisipalayam Main Road, Salem 636 009.

For Petitioner : M/s.C.Umashankar

For Respondents : Mr.Sanjay Gandhi,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 29.11.2021 thereby rejected the request made by the petitioner seeking licence to function school on the ground that the petitioner failed to produce no objection certificate from Fire Service Department, Health Department and also failed to produce the (Directorate of Town and Country Planning) DTCP approval of the school building for the period from 26.04.2016 to 25.04.2019.

2. It is seen that even till today, the petitioner has not been licenced to function the Primary and Nursery School in the petitioner-School building.



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3. The learned counsel appearing for the petitioner would submit that the petitioner-School was issued no objection certificate from Fire Service Department and Health Department. Insofar as approval of DTCP of the school building is concerned, no building was put up after 2011 and as such DTCP approval is not required for petitioner-School.

4. However, on perusal of GO.Nos.79 and 80 School Education Department dated 06.05.2019 and GO.No.66 dated 03.08.2020, even for the buildings constructed before 2011, required to get regularisation from the concerned Department.

5. In view of the above, the petitioner is at liberty to apply licence afresh after fulfilling all the requirements for issuance of licence to run Nursery and Primacy School. On receipt of such application, the second respondent is directed to consider the same and pass orders on merits and in accordance with law.



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6. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

14.06.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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