



W.P.No.27560 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.27560 of 2021

St.Marys Nursery & Primary School,
Represented by its Correspondent,
A.Mohamed Haris,
Nanjegoundenpudur,
Pollachi, Coimbatore 642 105

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai 600 006

2.The Chief Education Officer,
Coimbatore District

3.The District Elementary Education Officer,
Coimbatore District

4.The Assistant Elementary Education Officer,
(South) Pollachi,
Coimbatore District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in Na.Ka.No.2341/B-2/2020 dated 23.11.2020 passed by the first respondent herein and quash the same and consequently direct the third respondent to grant recognition to the petitioner school St.Mary's Nursery & Primary School at



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Nenjagoundanpudur, Pollachi, Coimbatore as time stipulated by this Court.

For Petitioner : M/s.V.Vinnoli
for Mr.M.K.S.Sundar

For Respondents : Mr.Sanjay Gandhi,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 23.11.2020 thereby withdrawn the recognition and ordered to close the school.

2. The petitioner-School namely St.Mary's Nursery and Primary School at Nanjegoundenpudur Village, Pollachi, Coimbatore is run from the year 2001 and obtained licence. It was renewed till 2010. However, on inspection the school premises was not suitable to run the school and as such, the recognition was cancelled and directed to close the school premises. It was challenged before this Court in WP.Nos.33098 and 33099 of 2016 and this Court by order dated 21.09.2016, directed the authority concerned to verify as to whether all the parameters are fulfilled and to pass appropriate orders on merits and



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in accordance with law. On inspection, all the authority concerned found that the same position prevailed and as such, they rejected the request made by the petitioner.

3. On perusal of the records revealed that the petitioner did not apply for renewal of its recognition with the respondents. Therefore, the petitioner failed to comply with the requirements and on inspection found that the petitioner changed the premises 10 kms away from the earlier premises for convenience. However, it was not communicated to the authorities concerned and failed to obtain any permission to shift the school premises. On inspection, the third respondent found that there were many discrepancies to run the school and it had no conducive atmosphere to run the school. Therefore, the second respondent passed order to close the school by order dated 01.09.2016. Further instructed that as per the Section 17(5) of the Right to Free and Compulsory Education Act 2009, if the petitioner continues to run that too after withdrawal of recognition, the petitioner shall be liable to fine which may extend to one lakh rupees in case of continuing contraventions to a



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fine of Rs.10,000/- for each day during which such contravention continues. Aggrieved by the same, the petitioner filed writ petition and as directed by this Court, on inspection, authority concerned found that the same things prevailed over and also there is a possibility of unforeseen or unfortunate incident to be happened to the students. Therefore, the direction issued by this court was duly complied with and rejected the request made for issuance of licence. As such, this Court finds no infirmity or illegality in the order passed by the first respondent.

4. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to apply for fresh licence after fulfilling all requirements in accordance with law. 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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