



W.P.No.38739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.38739 of 2024
and WMP.No.41942 of 2024

MAM Educational Trust,
Represented by its Trustee
M.Ramesh Raja

.. Petitioner

Vs.

1. The Director of Private Schools,
DPI Campus, Chennai-6.

2. The District Educational Officer (Private Schools),
District Collectorate Campus, Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records with respect of the impugned proceedings passed by the 2nd respondent in his proceedings in Na.Ka.No.0149/A3/2024 dated 15.05.2024 and quash the same consequently direct the 1st respondent to grant NOC for CBSE Syllabus to the petitioner within the reasonable time.



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For Petitioner : M/s.Vijayakumar
For Respondents : Ms.Akila Rajendran
Govt.Advocate

ORDER

The present writ petition has been filed challenging the impugned order passed by the second respondent dated 15.05.2024 and for a consequential direction to the 1st respondent to grant NOC for CBSE Syllabus to the petitioner within a reasonable time.

2. Heard the learned counsel on either side and also perused the entire materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner trust had purchased the lands comprised in S.Nos.2/6, to an extent of 2.73 acres and 1.56 acres in Navapatty Village through a sale deed dated 28.01.2004 registered in the Office of Sub-Registrar, Mettur. After obtaining necessary approvals from the authorities concerned, the trust had constructed the school building and started the school under the name and style of M.A.M. Higher Secondary School at Mathaiyankuttai, Navapatty Village, Mettur Dam, Salem District with the affiliation of Tamil Nadu State Board in the year 2004.



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Thereafter, the petitioner had renewed the recognition granted by the Education Department till 2024.

4. The learned counsel for the petitioner further submitted that the petitioner trust applied for prior permission to close the said school to the 1st respondent. After getting the inspection report dated 12.05.2023, the first respondent granted prior approval for the closure of the school vide order in R.Dis.No.5877/E1/2023 dated 31.08.2023. Thereafter, the petitioner trust wanted to start a M.A.M.Public School at Mathaiyankuttai, affiliated with the Central Board of School Education. Meanwhile, on 04.12.2024, the trust had submitted an application to the 1st respondent through the 2nd respondent along with relevant documents for grant of No Objection Certificate for CBSE Syllabus. But the second respondent has rejected the same vide order dated 15.05.2024 stating that one Kannammal had filed O.S.No.218 of 2010 is pending before the Sub Court, Mettur and that a similar case in A.S.No.73 of 2018 is also pending before this Court in respect of the land dispute. Hence, the petitioner has come forward with the present writ petition.



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5. The learned Additional Government Pleader appearing for the respondents submitted that the 1st respondent has not granted NOC for CBSE Syllabus to the petitioner since the case regarding ownership to the school land is pending till date. Hence, he prayed to dismiss the writ petition.

6. In view of the submissions made by the learned counsel on either side, this Court directs the petitioner to submit a detailed representation to the respondents, within a period of two weeks from today and on such representation being made, the first respondent is directed to consider the representation of the petitioner and pass appropriate speaking orders in accordance with law, preferably, within a period of one month thereafter.

7. With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

20.12.2024

Index : Yes/No

Internet : Yes/No

Speaking : Non Speaking Order

Neutral Citation : Yes/No

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To

1. The Director of Private Schools,
DPI Campus, Chennai-6.
2. The District Educational Officer (Private Schools),
District Collectorate Campus,
Salem.



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VIVEK KUMAR SINGH, J.

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