



W.P.(MD).No.18101 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18101 of 2018

and

W.M.P.(MD).No.16003 of 2018

The Correspondent,
Excel Global School,
17/190B, Awai Farm Lane,
Thiruvattar, Kanyakumari District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the third respondent Chief Educational Officer in Na.Ka.No.3014/A2/2018 dated 10.07.2018 (received on 14.08.2018), quash the same.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Issac Chambers

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The present Writ Petition has been filed challenging the impugned proceedings issued by the third respondent in Na.Ka.No.3014/A2/2018 dated 10.07.2018.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.



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3. The petitioner School is administered by the Trust, namely, Centre for Educare and Research Charitable Trust, which runs three educational institutions, namely, the Excel Central School, the Excel Global School/petitioner herein and the Excel Higher Secondary School. The petitioner School was established in the year 2009 and is affiliated to the Cambridge International Examination. The said School is recognized by the Association of Indian Universities (AIU) and by the Educational Department of Tamil Nadu for all purposes.

4. In the year 2015, the State Government vide G.O.(Ms).No.144, School Education (GE) Department, dated 18.09.2014, amended the explanation to Rule 12 of the Right to Education State Rules, 2011, by incorporating a new clause, namely Clause (vii) so as to bring within its fold the other Boards of examination like CISCE and Cambridge Examination Board, etc. The amendment to explanation of Rule 12 of the RTE State Rules, 2011, reads as follows:



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<i>S.No.</i>	<i>Competent Authority</i>	<i>Schools</i>
<i>(vii)</i>	<i>The Director of School Education</i>	<i>In the case of schools affiliated other than the Board of School Examinations (Secondary) and State Board of School Examinations (Higher Secondary), Government of Tamil Nadu</i>

5. The above amendment was challenged by the Association of Management of Private Schools by way of Writ Petition in W.P.(MD).No.6541 of 2015 before this Court and the same was disposed of on 27.11.2023, in view of the decision taken by the Principal Bench of this Court in W.P.Nos.32108 and 32794 of 2014 etc., batch dated 19.07.2018, whereby, the aforesaid amendment was upheld. However, the cost imposed by the Director of School Education on the respective Schools were set aside and the School concerned was directed to submit the forms for application within a period of three weeks from the date of receipt of a copy of the order on the aforesaid case. The authorities were also directed to take decision in accordance with law.

6. The learned Government Advocate appearing for the respondents would submit that all those applications are pending before the authorities for



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appropriate decision so far and as far as the petitioner School is concerned, the same is pending before the Chief Educational Officer. He would further submit that the impugned order is nothing but a show cause notice requiring the petitioner School to submit the relevant certificates to ascertain the condition of the building of the School.

7. In response, the learned counsel for the petitioner would submit that the application has been re-submitted with necessary documents for recognition of the School in question on 23.08.2023 and the same is pending. He also pointed out that the impugned proceedings dated 10.07.2018 has made it clear that the petitioner School would be imposed with a cost of Rs.1,00,000/- and Rs.10,000/- per day for whatever delay is committed by the School in re-submitting the application.

8. In view of the order passed by the Hon'ble Principal Bench of this Court in W.P.Nos.32108 and 32794 of 2014 etc., batch dated 19.07.2018, this Court hereby directs the Director of School Education/second respondent to refrain from imposing any cost and shall process the application of the



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petitioner School accordingly within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

14.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Lm

To

1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
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L.VICTORIA GOWRI, J.

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