

The Correspondent, Vs. 1.The Director of Elementary Education,

The Correspondent, Vs. 1.The Director of Elementary Education,

SooperKanoon Citation : sooperkanoon.com/48617

Court : Chennai

Decided On : Feb-18-2015

Judge : K.Ravichandrabaabu

Appellant : The Correspondent,

Respondent : 1.The Director of Elementary Education,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:
18.02.2015 CORAM THE HONOURABLE MR.JUSTICE
K.RAVICHANDRABAABU W.P.(MD)No.2054 of 2015 and M.P.(MD).No.1 of 2015
The Correspondent, G.P.Nursery and Primary School, 6/42, Sannathi Street,
Thiruparankuntram, Madurai, Madurai District..Petitioner versus 1.The Director of
Elementary Education, College Road, Chennai - 600 006.

2.The Chief Educational Officer, Madurai, Madurai District.

3.The District Elementary Educational Officer, Madurai, Madurai
District..Respondents PRAYER Writ Petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the
records on the file of the 2nd respondent pertaining to its order bearing
Na.Ka.No.9990/Aa 4/2014, dated 31.01.2015 and to quash the same and
consequently direct the respondents to grant renewal of recognition by considering
the application, dated 02.05.2009, along with the subsequent communication,

dated 24.11.2014, within a stipulated time.

!For petitioner : Mr.S.C.Herold Singh ^For respondents : Mr.J.Gunaseelan Muthiah, Government Advocate :

ORDER

This writ petition is filed challenging the order of the Chief Educational Officer, Madurai, dated 31.01.2015, cancelling the recognition granted to the petitioner school.

2.The petitioner is running a nursery and primary school.

Admittedly, the petitioner school was granted recognition for the period from 2005 to 2009 and thereafter, there is no recognition granted to the petitioner school.

Thus, the fact remains that from 2009 onwards the petitioner school is being run without recognition.

3.It is the case of the petitioner that the application seeking recognition is pending before the authorities.

On 15.12.2014, the District Educational Officer, Madurai, issued a notice to the petitioner calling upon to show cause as to why the temporary injunction granted to the petitioner school shall not be recommended to be cancelled, based on certain allegations.

The said notice was challenged before this Court in W.P.(MD).No.487 of 2015.

The said writ petition was disposed of on 20.01.2015, wherein at paragraph Nos.8 to 11, it is observed as follows; "8.Considering the fact that the petitioner's school is granted recognition for the period from 2004-2009 and that there is no temporary recognition in existence as on today, I find that the impugned show cause notice calling upon the petitioner's school as to why the so-called temporary recognition granted to the school shall not be cancelled, is not conveying any meaning and on the other hand, it appears to have been passed without application of mind.

Therefore, I find that there is no need for issuing such show cause notice at all.

All that the respondents could do, is to consider the applications filed by the petitioner's school seeking recognition in accordance with law without any further loss of time.

9. At this juncture, it is useful to refer to the order of the FiRs. Bench of the Principal Seat of this Court made in W.P.No.18851 of 2014 dated 14.08.2014 wherein a Schedule was referred to carry out the inspection of various unrecognized nursery and primary schools.

10. It is seen that as per the said schedule, the final orders have to be passed by the authorities on or before 31.01.2015 and that while inspecting the schools, if it is found that the school is ineligible for recognition, the same will be issued with closure notice immediately by the competent authority.

Therefore, it is for the respondents to strictly adhere to the time schedule referred to, in the order made by the Hon'ble FiRs. Bench in the said case.

11. Accordingly, the writ petition is disposed of, with a direction to the third respondent to consider the applications filed by the petitioner seeking for recognition and pass orders on the same on merits and in accordance with law on or before 31.01.2015, after making proper inspection.

Consequently, the connected Miscellaneous Petitions are closed.

No costs."

4. Consequent upon such order passed by this Court and after conducting inspection, the present impugned order is passed.

The second respondent, who passed the impugned order, has pointed out certain discrepancies and deficiencies as follows; ""1.gs;spapd; Kd;g[wk; EiHthapy; tyJg[wk; BjePh;f;fila[k;, kw;bwhUg[wk; cztfKk; bray;gl;L tUtjhy;, gs;spapd; bray;ghLfSf;F Vw;w R{H;epiyapy; gs;sp mikatpy;iy vd bjhptpj;Js;shh;.

mjw;F rhd;whtzkhf g[ifg;glA;fis nizj;Js;shh;.

2.

gs;sp thlif fl;olj;jpy; bray;gl;L tUfpwJ.

thlif xg;ge;jk; rk;ge;jg;gl;l fl;ol chpikahshplk; bgw;W, rhh;gjpthsh; mYtyfj;jpy; gjpt[
bra;J.gjpt[bra;j tptuj;jpid mspf;f khtl;l; bjhlf;ff; fy;tp mYtyuhy; Bfl;Lf; bfhs;sg;gl;Ls;sJ.

ehsJ Bjjptiu gs;sp thlif xg;ge;jk; gjpt[bra;j Mtzk; t HA;fg;gltpy;iy.

3.

gs;spf;bfdj; jdpBa fl;llj;jpy; bray;glhky;, tPLBghd;w mikg;gpy; gs;sp bray;gl;L
tUfpwJ.

njdhy; FHe;ijfSf;F jdpj;jdp tFg;giw mikg;g[ny;yhky; tFg;giwfs; bray;gl;L tUfpwJ.

BkYk; gs;spapd; (kho gFjpapy;) Bky;g[wk; jdpegh; FoapUe;J tUtjhf gs;spg;
ghh;itapd;BghJ fz;lwpag;gl;L kJiu khtl;l; bjhlf;ff; fy;tp mYtyuhy; bjhptpf;fg;gl;Ls;sJ.

njd;Kyk; gs;sp bray;gLtjw;fhd R{H;epiy nf;fl;olj;jpy; ny;iy vd;gJld;, gs;spf; FHe;ijfspd;
ghJfhg;gpw;F mr;RWj;jy; cs;s epiyapidf; fhl;Ltjhf cs;sJ vdj; bjhptpf;fg;gl;Ls;sJ.

BkYk; kJiu, khtl;l; bjhlf;ff; fy;tp mYtyhpd; gs;spg; ghh;itapd;BghJ vLf;fg;gl;l
g[ifg;glA;fspd;go, FHe;ijfs; mkh;e;J fy;tp gapy;tjw;F nUf;if trjp Vw;gLj;jg;gltpy;iy
vd;gJld;, Bjitaw;w bghUl;fis gs;sp tFg;giwfspy; Ftpj;J itf;fg;gl;Ls;sJ fhzKofpwJ.

ng;gs;spf; fl;olk; vt;tpj kuhkj;Jg; gzpapd;wp kpft[k; gHikahd fl;olj;jpy; bray;gl;L
tUfpwJ.

BkYk;, gs;spapd; Kd;g[wk; BjePh;f;fila[k;, cztfKk; bray;gl;L tUtjhy;, vspjpy;
jPg;gw;wf; Toa bghUl;fs; gad;gLj;jg;gl;L tUk; epiyapy;, FHe;ijfspd; ghJfhg;gpw;F
mr;RWj;jyhf mikfpwJ.

kJiu, khtl;l;; bjhlf;ff; fy;tp mYtyuhy; gy;BtW fhuzk; Bfl;Fk; tpsf;fk; Bfhhp gy fojA;fs;
mDg;gg;gl;Lk;, BghJkhd tptuA;fisg; gs;sp eph;thfk; mspf;fj; jtpwa[s;sijf; fhl;Ltjw;fhf
nr;bray; mikfpwJ."

5.The learned counsel appearing for the petitioner submits that the inspection was not conducted properly and that the deficiencies stated in the impugned order are not factually correct.

6.I am of the view that such factual dispute of the matter cannot be gone into in this writ petition, especially when the Hon'ble FiRs.Bench of the Principal Seat of this Court has already issued a general direction in W.P.(MD).No.18851 of 2014, dated 14.08.2014, by fixing a schedule to carry out necessary inspection on various unrecognized nursery and primary schools, and this Court, after following the said order, has directed the authorities to conduct inspection and pass final ordeRs.The second respondent has passed the present order stating that the school is posing danger to the children, as it is being run without any maintenance of the school buildings and renovation of the same.

When that being the factual finding rendered, I do not think that this Court can interfere with such factual finding.

However, if the petitioner contends that the finding rendered by the second respondent are not factually correct, it is open to the petitioner to approach the appellate authority as contemplated under Section 41 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and agitate the matter.

7.Accordingly, this writ petition is dismissed however with liberty to the petitioner to approach the appellate authority.

Consequently, connected miscellaneous petition is closed.

No costs.

Index : Yes / No 18.02.2015 Internet : Yes / No gcg To 1.The Director of Elementary Education, College Road, Chennai - 600 006.

2.The Chief Educational Officer, Madurai, Madurai District.

3.The District Elementary Educational Officer, Madurai, Madurai District.

K.RAVICHANDRABAABU, J.

gcg W.P.(MD)No.2054 of 2015 18.02.2015

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com