

(2007) 12 MAD CK 0172

In the Madras High Court

Case No : Writ Petition No. 35463 of 2007 and M.P. No. 1 of 2007

J. Rahamathulla Khan, Correspondent, J.K.M. Matriculation School APPELLANT

Vs

Director, Directorate of Matriculation Schools and Inspector of Matriculation Schools RESPONDENT

Date of Decision : 12-12-2007

Acts Referred:

Citation : (2007) 12 MAD CK 0172

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : N. Kannan, for the Appellant; Dakshayani Reddy, GA, for the Respondent

Final Decision : Dismissed

Judgement

P. Jyothimani, J.—The petitioner seeks a Writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to the

impugned order passed in his Proceedings M.M. No. 9754/E4/2005 dated 12.10.2007 and quash the same as illegal and direct the 1st

respondent to grant recognitiion to the petitioner school.

2. Under the said impugned order, the 1st respondent has rejected the claim of the petitioner Institution to recognise it for conducting classes from

I to X Standard due to various reasons including that the petitioner has not acquired the required extent of 3 acres of land, class rooms are not

ventilated property, no library is provided, no lavatory facility is provided and that a house has been converted into school. Apart from this, from

VI to X standard, only 30 students are studying and in X standard, only one student is studying and in view of the above, the claim of the petitioner

was rejected.

3. The 2nd respondent has filed counter affidavit, in which, it is stated that safety and security of the students with sufficiency of land is utmost

important based on the recommendations and directions of Justice SAMPATH's Committee. According to the respondents, Pozhichalur, where

the Institution is situate is a major Panchayat and it is not coming in the Metropolitan City and therefore, requirement of 3 acres of land is necessary

as per G.O.(2D). No. 48 dated 21.7.2004. It is also stated that the petitioner was granted time to comply with the requirements upto 31.5.2004,

but inspite of that, the requirements have not been complied with.

4. It is the further case that when there is only one student studying in X standard, there is no question of saying that the petitioner Institution has

got 100% pass and in respect of Classes VI to X there were totally 30 students.

5. Mr. Kannan, learned Counsel for the petitioner submits that as per G.O.(2D). No. 48 dated 21.7.2004, three years must be given to the

managements to satisfy the land area condition, which is the minimum requirement. He also submits that when the time of three years given under

the above said G.O has expired, it was the duty of the respondent to give notice to the petitioner and the same has not been complied with. He

also submits that the petitioner is prepared to comply with the various requirements, if sufficient time is given.

6. On the other hand, the learned Counsel for the respondents submits that as per the learned Counsel for the petitioner even though number of

students are stated to be studying in the Institution, truth came to limelight that only 30 students are studying from VI to X standard and only one

student is studying in X standard. She also submits that the requirement of the three years is a condition precedent and therefore, according to the

learned Counsel for the respondents, the impugned order has been passed only based on the existing position and taking into consideration of

safety and security of the students.

7. I have heard the learned Counsel for petitioner and the learned Counsel for the respondents and perused the materials available on record. The

petitioner's Institution is an unaided Institution and it requires recognition from the respondents in the interest of the students. No recognition has

been given to the petitioner's school at all. It is even the admitted case of the

petitioner that after passing of G.O. (2D). No. 48 dated 21.7.2004, which contained a period of three years to the Institution for complying with various requirements, however, it is not in dispute that even after the completion of three years, the petitioner's Institution has not acquired the necessary lands.

8. In view of the above said facts, I am of the considered view that this not a fit case, where this Court should interfere with the impugned order of the 1st respondent dated 12.10.2006.

9. It is made clear that the respondents shall take necessary steps to see that the students who are undergoing course in the Petitioner's Institution be transferred to some other school, so as to enable them to write the ensuing examinations for the academic year 2007-2008.

10. It is open to the petitioner to make fresh proposal for the purpose of recognition for the next Academic Year after complying with the various requirements as per the impugned order and the respondents shall consider and pass orders thereon, expeditiously.

11. With the above observations, the petition stands dismissed. No costs. Consequently, the connected W.P.M.P is closed.