
(2012) 06 MAD CK 0157

In the Madras High Court

Case No : Writ Petition No. 13670 of 2012 and M.P. No. 1 of 2012

St. Arokia Annai School

APPELLANT

Vs

The Director of School Education D.P.I. Compound, Chennai
6, The Chief Education Officer Dharmapuri District and
Kamalam International School Kamalam Nagar, Palacode
Road Near NH Flyover, Dharmapuri

RESPONDENT

Date of Decision : 14-06-2012

Acts Referred:

Citation : (2012) 06 MAD CK 0157

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : J. Srinivasa Mohan, for the Appellant; E. Sampath Kumar, Spl. G.P. for R1 and R2, Mr. C.K. Chandrasekar for M/s. P. Arulmudi and Co., for R3, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru

1. The petitioner claiming to be a Christian School by name St. Arokia Annai Private School at Selliampatty Village in Palacode Taluk has come

forward to file the present Writ Petition seeking for a direction to the official respondents to consider the application of the 3rd respondent School

to grant CBSE affiliation and also request for No Objection Certificate for the Academic year 2013-2014, strictly subject to the relevant Act and

rules governing grant of NOC and after considering the objection of the petitioner school. It is the case of the petitioner that the 3rd respondent

School has no infrastructure facilities for running a CBSE School and therefore the authorities while granting No Objection Certificate for starting

the School must take into account all these facts including the objection of the

petitioner. This Court is not inclined to accept the locus standi of the petitioner in coming forward with the prayer in the Writ Petition. It is not the 3rd respondent who has come to this Court seeking for grant of No Objection Certificate. The objection of the petitioner is to forestall the 3rd respondent in starting the School that too for the academic year 2013-2014.

2. It is the case of Mr. J. Srinivasa Mohan, learned counsel for the petitioner that in case of No Objection Certificate is granted, his School is likely

to be heard and therefore he has locus standi to bring the objection at this juncture.

3. As to whether a neighbouring School has right to object for the starting of a School came to be considered by a learned judge of this Court in

Aided Elementary School rep.by M. Rajagopal, Mullichettipatti vs. the Government of Tamil Nadu and others reported in 1997 Writ L.R.862.

This Court held that in such matters, the neighbouring School has no locus standi to bring any Writ Petition to this Court. This Court held that

running of another School will not amount to competition and the neighbouring School have no locus standi to challenge the policy of the

Government, as it is not to offend their right and they have no legal right to be heard. Under the circumstances, this Court is not inclined to entertain

the Writ Petition. It is always open to the authorities to consider the application of the 3rd respondent in accordance with law. But, that does not

mean that the petitioner can file the Writ Petition and seek for a direction to consider the application of the 3rd respondent. The Writ Petition is

thoroughly misconceived and bereft of legal reasons. Accordingly the writ petition stands dismissed. No costs.