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WP No. 43077 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No. 43077 of 2025

and W.M.P.Nos.48233 and 48234 of 2025

1. Meenakshi Educational Trust
Rep. By Its Secretary No. R-54,
T.V.S. Avenue,
Anna Nagar West Extension
Chennai 101

Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. By Its Principal Secretary
Department Of School Education, Fort
St.George Chennai 09

2.The Director Of Private Schools
College Road Chennai 06

3.The Chief Educational Officer
Saidapet Chennai 15

4.The District Educational Officer
(Private Schools) Egmore Chennai 08

Respondent(s)

PRAYER



The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent Director vide proceedings in RC.No. 3774/ D1/ 2024 dated 28.02.2025 and consequential order passed by the 4th respondent District Educational officer in letter in Na.Ka.No. 557/ A2/ 2024 dated 2.04.2025 quash the same and further direct the respondents to give No objection certificate for affiliation to Cambridge International syllabus to the Excel Global School, Anna Nagar West (Extension) Chennai.

For Petitioner(s): Ms. Abisha
for M/s.Isaac Chambers

For Respondent(s): Mr. A. M. Iyyappan
Government Advocate

ORDER

This Writ Petition is filed challenging the impugned order dated 28.02.2025 and the consequential communication dated 02.04.2025 and consequently, direct the respondents to give “No Objection Certificate” for affiliation to Cambridge international Syllabus to the Excel Global School, Anna Nagar West Extension, Chennai.

2. The learned counsel appearing on behalf of the petitioner would submit that when the erstwhile Management exited and when the new Trust took over,



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they intended to get affiliation from the Cambridge International Syllabus for their School and in that regard, it is essential to get the “No Objection Certificate” of the respondent authorities. When their application was kept pending, earlier they approached this Court by way of W.P.No.13648 of 2024 and by an order dated 15.05.2024, this Court directed the respondents to consider the petitioner’s application dated 16.04.2024 and pass orders, on merits. Since the order was not complied with, they were constrained to move Contempt Petition No. 370 of 2025 and pending Contempt Petition, the impugned order is passed.

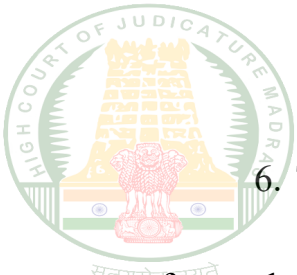
3. The learned counsel would submit that it can be seen from the order impugned in the Writ Petition itself that the inspection took place on 25.02.2025 and straight away, the order of rejection was passed on 28.02.2025. The learned counsel took this Court through paragraph Nos. 5, 6 and 8 of the impugned order and would submit that all the defects noted therein are rectifiable. As a matter of fact, the petitioners made a subsequent representation submitting that they are ready to submit the documents, which are referred to in paragraph No.



6 and they will also satisfy with reference to the classroom size as contained in paragraph No.5. With reference to plan approval also, they have stated that the approval was granted on 08.01.2019 and therefore, the respondents, upon inspection, having found certain deficiencies, ought to have granted an opportunity to the petitioner to rectify the same and only because the Contempt Petition was pending, straight away the order was passed.

4. Per contra, the learned Government Advocate appearing in the matter would submit that as directed by this Court in the earlier round of litigation, the application was considered and the order was passed. If the building is in violation of the approved plan, then “No Objection Certificate” cannot be granted. The petitioner should have provided all the documents that are required for grant of “No Objection Certificate”.

5. I have considered the rival submissions made on either side and perused the material records of the case.



6. The relevant portions of the impugned order are extracted hereunder

for ready reference:-

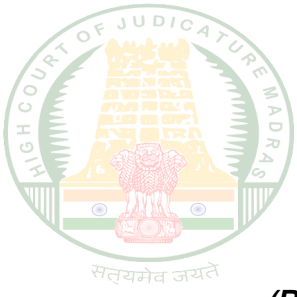
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5. The Tamil Nadu Private Schools (Regulation) Rules, 2023, under rule 8(6)(a) – ANNEXURE III – mandates size of the classroom should be not less than 400 sq.ft. But, in violation of the above provisions, some of the classrooms of the school are less than 400 sq.ft.

6. The school management has not produced the following original documents to the District Educational Officer during the physical inspection of the school:

- 1. Land document**
- 2. Plan approval given by the Commissioner, Greater Chennai Corporation**
- 3. Endowment Fund created by the school in pursuant to the Tamil Nadu Private Schools (Regulation) Rules, 2023.**
- 4. Field Measurement Book (FMB) copy of the land bearing S.Nos.278 part and 279 part.**
- 5. Admission Register of the students.**
- 6. School closure order of J.G.Matriculation School**

8. Considering the above facts and circumstance, the school is functioning in violation of the Building Plan Approval given by the Greater Chennai Corporation, the Tamil Nadu Private Schools (Regulation) Act, 2018 and the Tamil Nadu Private Schools (Regulation) Rules, 2023. Considering the welfare of the students studying in the school the following order is passed on the representation dated 16.04.2024 of the petitioner in W.P.No.13648 of 2024.



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9. Under sub-rule 7 of rule 8 of the Tamil Nadu Private Schools (Regulation) Rules, 2023 the undersigned hereby reject the claim of the Secretary of the Meenakshi Education Trust / Correspondent, Excel Global School for the grant Certificate of Recognition and No Objection Certificate for affiliation to Cambridge International Syllabus to the Excel Global School, Anna Nagar West (Extension), Chennai.”

7. On a perusal of the same, it can be seen that the respondents considered the size of the classroom. Thereafter, they are concerned with the documents and the necessary particulars that are mentioned in paragraph No. 6. In paragraph No.8, they are concerned about the fact that the School building is in violation of the plan approval given by the Greater Chennai Authorities. In reply thereof, it is stated on behalf of the petitioner that they will satisfy with reference to each and every one of the requirements that are mentioned in paragraph Nos.5 and 6. Even with reference to paragraph No.8, it is the contention of learned counsel for the petitioner that the due approval is there on record.

8. In view of the above submissions made, the impugned orders dated



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28.02.2025 and 02.04.2025 are set aside and the matter is remanded to the file of the second respondent/ Director of Private Schools, Chennai, for further enquiry and orders. The impugned order dated 28.02.2025 shall be treated as a show cause notice and it will be open for the petitioner to appear before the second respondent with all the details as contained in the said order. Thereafter, it will be open for them to satisfy the second respondent with reference to the defects that are pointed out. It will be open for the second respondent to consider whether the classrooms are of the appropriate size and whether the documents mentioned in paragraph No. 6 are all produced and whether the School building is in accordance with the approved plan or not. After satisfying himself, further orders can be passed in accordance with law. The petitioner shall appear before the second respondent on or before 26.12.2025 and submit the documents from their side. Within two (2) months thereafter, the second respondent shall complete the enquiry and pass orders afresh.

9. This Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are



closed.

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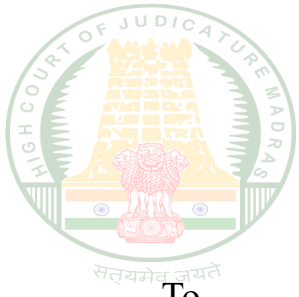


02-12-2025

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Internet

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To
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1. The Principal Secretary Department
Of School Education,
Fort St.George Chennai 09
- 2.The Director of Private Schools
College Road ,Chennai 06
- 3.The Chief Educational Officer
Saidapet Chennai 15
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D. BHARATHA CHAKRAVARTHY, J.

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