

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.27328 of 2019
and W.M.P.Nos.26758 and 26759 of 2019

Punjab Association,
rep. by its General Secretary,
Mr.Ramesh Lamba.

.. Petitioner

-vs-

1.The Union of India,
Rep. by its Secretary,
Ministry of Human Resource Development,
Shastri Bhawan, New Delhi 110 001.

2.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare that Section 12 sub clause (2) of the Right of Children to Free and Compulsory Education Act 2009 insofar as it restricts the reimbursement of expenditure of schools specified in Section 2 (iv)(n) providing free and compulsory education as specified in Section 12 (1)(c) to the extent of per-child expenditure incurred by the State or the actual amount charged from the child whichever is less is unconstitutional, arbitrary and ultra vires the power conferred under the Constitution of India.

For Petitioner : Mr.Abhishek Jenasenan

For Respondents : Mr.G.Karthikeyan
Asst. Solicitor General for
R-1

: Mr.C.Munusamy
Spl.G.P. for R-2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Learned counsel for the petitioner submits that in order to raise an appropriate challenge on the basis of the cause for which this petition has been brought forward, it would be appropriate to frame a writ petition with such amendments as may be necessary. He, therefore, prays that this writ petition may be permitted to be withdrawn with liberty to file a fresh writ petition. Liberty granted.

The Writ Petition is dismissed as withdrawn. No costs. Consequently, W.M.P.Nos.26758 and 26759 of 2019 are also dismissed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

sra

To

- 1.The Secretary to Govt The Union of India,
Ministry of Human Resource Development,
Shastri Bhawan, New Delhi 110 001.

2.The Secretary to Govt. of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.

W.P.No.27328 of 2019

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