

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1225 of 2021  
and W.M.P.No.1379 of 2021

The Chengalpattu District Private  
Schools Association, Rep. by its Secretary,  
Mr.a.Vidhyasagar. .. Petitioner

-vs-

- 1.The Chief Secretary to Government,  
Revenue and Disaster Management  
Dept., Fort St. George,  
Chennai 600 009.
- 2.Government of Tamil Nadu,  
Rep. by Secretary to Government,  
School Education Department,  
Fort St. George, Chennai 600 009.
- 3.Director of School Education,  
DPI Compound, College Road,  
Chennai 600 006.
- 4.The Secretary,  
MHRD, Delhi.
- 5.The President,  
Indian Council for Child Welfare,  
No.5, 3<sup>rd</sup> Main Rd West,  
Shenoy Nagar, Chennai,  
Tamil Nadu 600 030. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the Government of Tamil Nadu and Education Department to take steps to reopen all schools in the State of Tamil Nadu issuing proper guidelines in consonance with the guidelines/SOPs issued by the Government of India under the Disaster Management Act, 2005 and

to reopen the schools immediately after the pongal holidays i.e. Any short date after January 18, 2021.

For Petitioner : Mr.Silambanan, Sr. Counsel  
for Kaavya Silambanan  
Associates

For Respondent : Mr.V.Jayaprakash Narayanan  
State Government Pleader  
for R-1

Mr.C.Munusamy,  
Special Government Pleader  
for RR - 2 and 3

ORDER  
(Made by The Hon'ble Chief Justice)

The writ petitioner seeks a direction on the State for reopening schools at the earliest.

2. There is no doubt that the State Government is alive to the fact that schools have remained closed for a considerable period of time. Indeed, the Class X and XII students have recently been permitted to rejoin the classes in physical form after Pongal.

3. It is for the State Government and the administration to assess the feasibility of opening the schools. Since the pandemic has not completely died down and the process of vaccination has only been initiated, it is for the State Government to decide what would be an appropriate date for schools to be reopened in the form as was prior to the lockdown.

4. It is premature for the Court to jump in at this stage without a decision being taken by the State in such regard. While it is important to reopen educational institutions, as observed in a previous order pertaining to cinema halls, it is better to err on the side of caution. Merely because the number of cases has gone down, an air of complacency should not develop. There is also the worry regarding the subsequent UK strain, which is more virulent as an infection.

5. Considering all aspects, the Court feels that the State Government should be left free to decide on its own without being put under any pressure. In the event schools do not reopen within the next eight or ten weeks and the pandemic's effect is much reduced than at present, it will be open to the petitioner to approach the Court afresh. At this stage, the

Court does not want to step on the administration's toes to bring about a situation that may not be in public interest.

The writ petition, W.P.No.1225 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.1379 of 2021 is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra  
To

1.The Chief Secretary to Government,  
Revenue and Disaster Management  
Dept., Fort St. George,  
Chennai 600 009.

2.Government of Tamil Nadu,  
Rep. by Secretary to Government,  
School Education Department,  
Fort St. George, Chennai 600 009.

3.Director of School Education,  
DPI Compound, College Road,  
Chennai 600 006.

4.The Secretary,  
MHRD, Delhi

+1 CC to M/s. Kaavya Silambanan Associates sr 3167.  
+1 Ccs to The Government Pleader sr 3573 & 3236.

W.P.No.1225 of 2021

GP(CO)  
SP(09/02/2021)

WEB COPY