



WEB COPY



W.P(MD)Nos.1366 of 2012 etc.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)Nos.1366,
3847,3446,3447,4336,4337,4338,4339,4340,7768,7769,7770,
7945,7946,7947,7948,7949,7950,7951,7952,8436,8439,8437,
8438,8440,8441,8442,8443,8444,8445,8446,8589,8644,10938,
6039,6343,6344,6345,6346,6347,8653,8654,8645,8646,8647,
8648,8649,8650,8651,8652,8655,8657,8658,8659,8660,8661,
8662,8797,9855,9856,9858,9859,10125,10140,10141,
10142,10143,10144,,10145,10146,10147,10151,10983,10984,
11073,12411,12412,12415,13721,13722,15750,15867,15868,
15869 of 2012,
and
Connected miscellaneous petitions

WP(MD)No.3166 of 2012

The Tamil Nadu Recognised Aided
Private School Managers Association,
represented by its President

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary
to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Principal Director /
State Project Director,
Sarva Shiksha Abhiyan,
DPI Compound,
Chennai - 600 006.



W.P(MD)Nos.1366 of 2012 etc.,

3.The Director of School Education,
College Road,
Chennai - 600 006.

4.The Director of Elementary Education,
College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the first respondent in G.O.Ms.No. 213 School Education (C2) Department, date 26.12.2011 and to quash the same as without jurisdiction and ultra vires.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.GA.Natraj,
Government Advocate

COMMON ORDER

These writ petitions are filed challenging the Government Order in G.O.Ms.No.213 School Education (C2) Department, date 26.12.2011. since the issue in all these petitions is one and the same, they are disposed of by this common order.



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2. When these writ petitions have been taken up for hearing the learned Counsel for the petitioners and the learned Special Government Pleader appearing for the official respondents submits that in view of the subsequent development of issuance of G.O(Ms)No.100, School Education (SSA-2) Department, dated 16.05.2018, accorded permission for merger of administrative structure of Sarva Shiksha Abhiyan, Rashtriya Madhyamik Shiksha Abhiyan for implementation of integrated Scheme for School Education, nothing survives in these writ petitions.

3. However this Court vide order dated 11.04.2022 directed the Secretary to Government, School Education Department, Chennai to file a report as to the compliance of Section 21 of the Right of Children to Free and Compulsory Education Act, 2009. In pursuance of the same, the State Project Director Samagra Shiksha, State Project Directorate, DPI Campus, Chennai - 600 006, has addressed a communication to the learned Government Pleader vide RC.No.449/C7/SMC/2021, dated 26.04.2022, wherein it is stated that a circular has been issued to all the



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Chief Educational Officers in RC.No.449/C7/SMC/2021, dated 16.03.2022 to constitute the School Management Committee (SMC) in the Government Schools. The prescribed schedule for reconstitution in the above circular is as follows:

Sl. No	Date of reconstitution	School wise
1	23.04.2022	Middle School
2	30.04.2022	50% primary School (1 st Primary level)
3	07.05.2022	50% Primary School level)
4	June 4 th week	High school

4.It is further stated that necessary steps will be taken to constitute school management committee in the non minority aided schools after reconstitution of the government schools is over and in view of the orders passed by the Hon'ble Supreme Court of India in **Pramati Educational and Cultural Trust and Ors Vs Union of India (UOI) and ors** dated 06.05.2014 as the RTE Act 2009 is not applicable to the minority educational institutions, the question of forming school management committee in the minority aided schools does not arise.



29.04.2022

Note:

5/7



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To

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to Government,
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Sarva Shiksha Abhiyan,
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B. PUGALENDHI, J.

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29.04.2022