



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P. (MD)No.11214 of 2022**

**and**

**W.M.P (MD)Nos.8007 & 8009 of 2022**

- 1.Minor.S.Nitra,  
Represented by her Father and Guardian S.Sundar.
  - 2.Minor.R.Theeran,  
Represented by his Father and Guardian V.Rajesh.
  - 3.Minor.R.Harsini,  
Represented by her Father and Guardian R.Ramachandran.
  - 4.Minor.J.Madhu Hanshika,  
Represented by her Father and Guardian V.Jeevanandham.
  - 5.Minor.B.Dev Prasath,  
Represented by his Father and Guardian Balamurugan.
  - 6.Minor.S.Muhammad Rifaqat,  
Represented by his Father and Guardian A.Syed Arabath.
  - 7.Minor.P.Karigai Saraswathi,  
Represented by her Father and Guardian N.Parinaman.
  - 8.Minor.M.Iniya Lakshmi,  
Represented by her Father and Guardian M.Marimuthu.
  - 9.Minor.S.Thanmathi,  
Represented by her Father and Guardian M.Saravanapandi.
- ... Petitioners

Vs

- 1.The State of Tamil Nadu,  
Represented by its Principal Secretary to the Government,  
Department of School Education,  
Fort St.George, Secretariat,  
Chennai-600 009.
- 2.The Director of School Education,  
College Road,  
Chennai-600 006.



3.The District Collector,  
Madurai District,  
Madurai.

4.The Chief Educational Officer,  
Madurai District,  
Tallakulam, Madurai.

5.The District Educational Officer,  
Madurai District,  
Tallakulam, Madurai.

6.The Principal,  
Maruthu Rukmani Matriculation School,  
X48F+4CP, 2nd Street, Park Town,  
Bama Nagar, Madurai,  
Tamil Nadu-625 017.

... Respondents

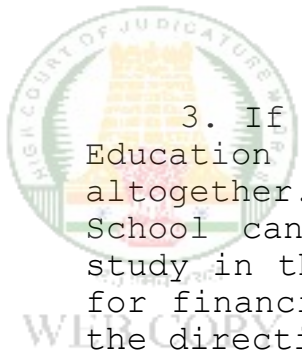
**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to forbear from preventing the petitioners from continuing their education in the 6th respondent school namely, Maruthu Rukmani Matriculation School, Madurai in terms of Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009.

For Petitioners : Mr.K.Ragatheesh Kumar  
for M/s.Isaac Chambers  
For Respondents : Mr.V.OM.Prakash  
Government Advocate for R.1 to R.5  
Mr.B.Jameel Arasu for R.6

### **ORDER**

Heard the learned counsel appearing for the writ petitioner, the learned Government Advocate appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent.

2. The petitioners are children who studied in the sixth respondent school and they contended that they are entitled to continue their education in the sixth respondent school in terms of Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. Notice was ordered and today, it has been categorically stated by the School Management that since the running of the School has become financially unviable, they have already shut down the Institute. The learned Government Advocate also confirms that as on date, the School remains closed. The counsel for the School further adds that they do not propose to convert the School into CBSE School also. The petitioner's counsel would contend that the formalities regarding the closure have not been



3. If that be so, the School Management may be hauled up by the Education Department. That would be a different cause of action altogether. The question before me is whether the sixth respondent School can be mandated to permit the petitioners to continue to study in their Institution. When the School itself has been closed for financial reasons, this Court would not be justified in issuing the direction sought for.

4. Recording the stand of the respondents that the School in question is no longer running, and that it has been shut down and that there is no proposal to convert the School into CBSE School, the writ petition is dismissed. However, the Education Department shall bear in mind the interest and welfare of the writ petitioners and endeavor to shift them to other nearby Schools, so that, their education is not interrupted. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary to the Government,  
The State of Tamil Nadu,  
Department of School Education,  
Fort St.George, Secretariat,  
Chennai-600 009.
- 2.The Director of School Education,  
College Road,  
Chennai-600 006.
- 3.The District Collector,  
Madurai District,  
Madurai.
- 4.The Chief Educational Officer,  
Madurai District,  
Tallakulam, Madurai.
- 5.The District Educational Officer,  
Madurai District,  
Tallakulam, Madurai.



+1 CC to M/s.SPL.GP ( SR-27144[F] dated 21/06/2022 )

+1 CC to M/s.ISAAC CHAMBERS, Advocate ( SR-27252[F] dated 21/06/2022 )

W.P. (MD) No.11214 of 2022  
20.06.2022

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