



W.P(MD)Nos.19482,19487 & 19488 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)Nos.19482,19487 & 19488 of 2014

and

M.P(MD)Nos.1,1 & 1 of 2014

Aurobindo International Senior Secondary School,
Represented by its Chairman,
G.Ravichandran.

... Petitioner
(In W.P(MD)No.19482 of 2014)

Rajaji Vidyalaya (CBSE),
Represented by its Secretary,
S.Sundarajan.

... Petitioner
(In W.P(MD)No.19487 of 2014)

Sri Vignesh Vidyalaya,
Represented by its Correspondent,
V.Gopinathan.

... Petitioner
(In W.P(MD)No.19488 of 2014)

Vs.

1.The Secretary to Government,
Ministry of Human Resource and Development,
Government of India,
New Delhi.



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2.The Chairman,
Central Board of Secondary Education,
Shiksha Kendra,
No.2, Community Centre,
Preet Vihar,
Delhi-110 301.

3.The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai.

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

5.The Chief Educational Officer,
Madurai Road,
Tiruchirappalli-8.

... Respondents
(In all cases)

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the impugned amendment to Rule 12 of the Tamil Nadu Right of Children to free and Compulsory Education Rules, 2011 issued vide G.O.Ms.No.144, School Education (GE) dated 18.09.2014 and published in Tamil Nadu Government Gazette Extraordinary No.192 dated 19.09.2014 and consequential proceedings bearing Na.Ka.No. 7419/A2/2014 dated 25.11.2014 issued by the 5th respondent are illegal, unconstitutional and ultra vires the provisions of the Central Act No.35 of 2009.



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For Petitioner : Mr.T.Antony Arul Raj
(In all cases)
For R1,R3 - R5 : Mr.S.Kameswaran
Government Advocate
(In all cases)
For R2 : Mr.P.Karthick
(In all cases)

COMMON ORDER

The writ petitioners had sought for a declaration to declare that the impugned amendment of Rule 12 of the Tamil Nadu Right of Children to Free and Compulsory Education Rules 2011 issued vide G.O.Ms.No.144, School Education (GE) dated 18.09.2014 and published in Tamil Nadu Government Gazette Extraordinary No.192 dated 19.09.2014 and consequential proceedings bearing Na.Ka.No.7419/A2/2014 dated 25.11.2014 issued by the 5th respondent are illegal, unconstitutional and ultra vires the provisions of the Central Act No.35 of 2009.

2. The issue in these writ petitions is covered by a Division Bench Judgment of this Court in *W.P.No.32108 of 2014 (Association of*



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Management of Private Schools (CBSE), Represented by its President,

S.Namasivayam Vs. The State of Tamil Nadu, Represented by its

Principal Secretary, School Education Department & Others) and

batch, dated 19.07.2018. The said amendment issued under G.O.Ms.No.

144, dated 18.09.2014 has been upheld. However, it had been clarified

that the state authorities cannot and shall not interfere with the syllabus

and curriculum.

3. In view of the aforesaid order, no further orders are necessary in these writ petitions. Accordingly, these writ petitions are disposed of on the same terms as made in W.P.No.32108 of 2014 and batch. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.12.2022

Index : Yes / No

Internet : Yes / No

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To

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- 2.The Principal Secretary to Government,
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K.KUMARESH BABU,J.

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Order made in
W.P(MD)Nos.19482,19487 & 19488 of 2014

Dated:
16.12.2022