



W.P(MD)Nos.6541 of 2015,13924,14354,14355,14356 & 18132 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.6541 of 2015, 13924, 14354 to 14356 and
18132 of 2018 and
WMP(MD) Nos.16039 of 2018,12652,12653,13005, 13006,13007
of 2018, 2,3 of 2015

W.P(MD) No.6541 of 2015:-

Association of Management of Private Schools,
S.No.20 of 2015),
No.3, Vikaasa School Campus,
Ponnagaram Compound,
Aarapalayam Cross,
Madurai – 625 016.
Rep by its Secretary

... Petitioner

Vs

1.The Union of India,
Rep by its Principal Secretary,
Ministry of Human Resource and Development,
Department of School Education, ,
Shastri Bhavan, New Delhi-110 001.

2.The State of Tamilnadu,
Rep by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai 600 006.



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- 3.The Director of School Education,
Fort St. George,
Chennai 600 006.
- 4.The Council For the Indian School Certificate
Examinations (CISCE),
Rep by its Chief Executive & Secretary,
Pragati House,
3rd Floor,
47-48, Nehru Place,
New Delhi-100 019.
- 5.The Regional Director,
Cambridge University Press India,
The Cambridge Centre,
21/1(New No.49) 1st Floor,
Model School Road,
Thousand Lights,
Chennai 600 006.
- 6.The Regional Director,
Al Madrasa,
Taheri Manzil,
Ground Floor,
Nesbit Road,
Mazagaon,
Mumbai-400 010.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration, declaring that the impugned Rule 12 (1) (a) , Rule 12 (7) (a) Rule 12 (7)(b) (ii) and Explanation to Rule 12 of the Tamil Nadu Right of Children to Free



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and compulsory Education Rules 2011, together with G.O (Ms)No. 144 (School Education-GE) Dated 18.9.2014 issued by the 2nd respondent as unconstitutional,Ultra -vires, unreasonable, null and void and unenforceable as against the members of the petitioner- Association (Members List annexed).

For Petitioner	:Mr.K.Ragatheeshkumar
For R1	:Mr.S.Jeyasingh
	Standing Counsel
For R2 & R3	: Mr.R.Baskaran
	Additional Advocate General,
	Assisted by
	Mr.G.V.Vairam Santhosh
	Additional Government Pleader
For R4 to R6	: No appearance

COMMON ORDER

W.P(MD) No.6541 of 2015 was filed for a writ of Declaration, declaring that the impugned Rule 12 (1) (a) , Rule 12 (7) (a) Rule 12 (7)(b) (ii) and Explanation to Rule 12 of the Tamil Nadu Right of Children to Free and compulsory Education Rules 2011, together with G.O(Ms)No.144 (School Education-GE) Dated 18.9.2014, issued by the second respondent state Government as unconstitutional,Ultra -vires, unreasonable, null and void and unenforceable as against the members of the petitioner- Association.



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2.W.P(MD) No.13924 of 2018 was filed as against the impugned order, dated 20.06.2018, in and by which, an intimation was given to the petitioner that the affiliation of the petitioner school would be cancelled and a fine of Rs.1,00,000/- was imposed, as per Section 18(5) of Right to Compulsory Education Act, 2009 on the ground that the petitioner's school has not submitted any proposal for recognition from the State Government.

3.W.P(MD) No.14354 of 2018 was filed as against the impugned order dated 20.06.2018, imposing a penalty of Rs.1,00,000/- on the petitioner's school under Section 18(5) of the RTE Act, 2009 on the ground that the petitioner school is functioning without recognition from the State Government.

4. W.P(MD) No.14355 of 2018 was filed as against the proceedings of the Chief Educational Officer, Madurai, dated 16.03.2018, directing the petitioner to obtain recognition from the State Government for running their School, failing which, penalty



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would be imposed on the petitioner's School.

5. W.P(MD) No.14356 of 2018 and 18132 of 2018 were also filed as against the proceedings of the Chief Educational Officer, Madurai, dated 23.06.2018 and 20.06.2018 imposing a penalty of Rs.1,00,000/- on the petitioners' School under Section 18(5) of the RTE Act 2009 for functioning without recognition from the State Government.

6.Since all these writ petitions are pertaining to the order imposing a penalty of Rs.1,00,000/-on the petitioners' School for functioning without obtaining recognition from the State Government, these writ petitions are taken up together and disposed of by way of this common order.

7.Today(27.11.2023), when these writ petitions are taken up for hearing, it is reported that pending these writ petitions, recognition from the State Government has been granted to the



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petitioners' Schools. It is brought to the notice of this Court that in similar issue, the Division Bench of this Court has passed an order in a batch of writ petitions in WP(MD) Nos.32108 and 32794 of 2014 etc., wherein, this Court has held as follows:-

21. There can be no doubt that any private school to be established in the State has to apply for permission and/or no objection from the State Government as mandated under the Tamil Nadu Private Schools (Regulation) Act, 1973 and the RTE Act. However, when the State Government recognizes a school which is affiliated to CBSE and or/permits a school to seek affiliation from CBSE, the State Government necessarily gives its approval to the school concerned to follow the syllabus and curriculum prescribed by CBSE. It cannot interfere with the syllabus.

25. In respect of W.P.Nos.16801 and 16802 of 2018, the costs imposed by the Director of School Education are set aside, since a stay was in force. The schools concerned will submit the forms for application within three weeks from the date of receipt of a copy of this order and a decision thereon will be taken in accordance with law.



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8.Since the petitioner Schools are now recognized by the Government of Tamil Nadu for running CBSE courses, the cost imposed on the petitioner Schools is set aside, in view of the decision taken by the Division Bench of this Court in WP(MD) No. 32108 and 32794 of 2014 etc., No costs. Consequently, connected Miscellaneous petitions are closed.

27.11.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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