



WEB COPY



WP No.17480 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.17480 of 2020
WMP Nos.21666 and 21667 of 2020

Punjab Association,
Rep. by its General Secretary, Mr.Ramesh Lamba,
New No.97, Old No.46, V.M.Street,
Royapettah, Chennai 600 014.

.. Petitioner

-vs-

1. The Union of India,
Rep. by its Secretary, Ministry of Human
Resource Development, Shastri Bhawan,
New Delhi 110 001.

2. The State of Tamil Nadu,
Rep. by its Secretary, School Education
Department, Fort St. George,
Chennai 600 009.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring that Section 12 sub-clause (2) of the Right of Children to Free and Compulsory Education Act 2009 in so far as it restricts the reimbursement of expenditure of schools specified in Section 2(iv)(n) providing free and compulsory education as specified in Section 12(1)(c) to the extent of per-child expenditure incurred by the State or the actual amount charged from the child, whichever is less and the First Proviso thereof which provides



WP No.17480 of 2020

that such reimbursement shall not exceed the per-child expenditure incurred by a School specified in sub-clause (i) of clause (n) of Section 2 are Unconstitutional, arbitrary and ultra vires the power conferred under the Constitution of India.

For the Petitioner : Mr.Abhishek Jenasenan

For the Respondents : Mr.AR.L.Sundaresan
Addl. Solicitor General
assisted by Mr.J.Madanagopal Rao
SPCCG, for R-1
: Mr.A.Edwin Prabakar
State Government Pleader
for R-2

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Abhishek Jenasenan, learned counsel for the petitioner, Mr.AR.L.Sundaresan, learned Additional Solicitor General assisted by Mr.J.Madanagopal Rao, learned Special Panel Counsel for Central Government, for respondent No.1 and Mr.A.Edwin Prabakar, learned State Government Pleader for respondent No.2.

2. On the last date, we had heard the learned counsel for the petitioner. The learned State Government Pleader had placed on



WP No.17480 of 2020

record the G.O.Ms.No.99, School Education (MS) Department, dated 02.06.2023 revising the rate of fee per child to be admitted in the 25% category with the private institutions. The learned counsel for the petitioner sought time to place the same before the management of the petitioner.

3. The learned counsel for the petitioner submits that considering the fresh order passed in G.O.Ms.No.99, School Education (MS) Department, dated 02.06.2023, the grievance of the petitioner in the present petition would stand redressed.

In light of the above and the G.O.Ms.No.99, School Education (MS) Department, dated 02.06.2023, the present writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

19.02.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

Page 3 of 4



WEB COPY



WP No.17480 of 2020

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The Secretary,
Union of India,
Ministry of Human Resource Development,
Shastri Bhawan, New Delhi 110 001.
2. The Secretary to Govt. of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.

WP No.17480 of 2020

19.02.2024