



W.P.No.15667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15667 of 2023

and W.M.P.Nos.15158, 15159 and 15160 of 2023

C.I.G.Mission Church Elementary School,
Periyamodachur,
Gobichettipalayam,
Erode District.
Represented by its Correspondent,
L.SelvakumarPrabhu

... Petitioner

-Vs-

1. The Director of Elementary Education,
Chennai-600 006.
2. The District Elementary Educational Officer,
Gobichettipalayam,
Erode District.
3. Block Educational Officer,
Gobichettipalayam,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to order of withdrawal of recognition and closure of school passed in Na.Ka.No.17018/H1/2017 dated 28.04.2023 which was signed on 03.05.2023 on the file of the 1st respondent and the subsequent order passed by the 2nd respondent in proceedings in Na.Ka.No.0065/A3/2022 dated 10.05.2023 on the file of the second respondent quash the same and direct the respondents to



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continue to pay the salary to the teacher of the petitioner school.

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For Petitioner : Mr.Father Xavier Arulraj, Senior Counsel
for M/s Father Xavier Associates
For Respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by
Mr.S.Prabhakaran
Government Advocate

ORDER

This writ petition has been filed challenging the order passed in Na.Ka.No.17018/H1/2017 dated 28.04.2023 which was signed on 03.05.2023 on the file of the 1st respondent, whereby all the recognition granted to the petitioner School was withdrawn and the School was ordered to be closed and also the subsequent order passed by the second respondent dated 10.05.2023.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner School is a single Teacher School and the Head-Master himself act as a Teacher as well as the Head-Master. The petitioner filed a writ petition in W.P.No.12858 of 1993 and obtained an order of interim stay and was functioning from the date of the order. However, the petitioner School has not paid any salary to the teacher from the date of the order of cancellation of registration passed by the Chief Educational Officer, Erode. Thereafter, final

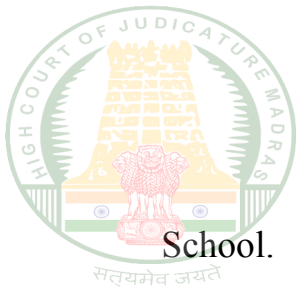


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order was passed in the said writ petition in W.P.No.12858 of 1993, thereby set

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aside the order of cancellation of the registration and thereafter, the petitioner applied for grant of approval and payment of salary to the teacher. In the meantime, there was an order of stopping the noon-meal scheme of the petitioner School. However, it was subsequently resumed by an order passed by the Block Development Officer, from 06.04.1994. Subsequently, so many Teachers were appointed from time to time, but they were not approved by the respondents. Therefore, once again, the petitioner filed a writ petition before this Court in W.P.No.14261 of 2000 for a direction directing to pay salary to the Teachers. This Court, by an order dated 14.12.2000 directed the first respondent to pass orders on the representation of the petitioner. Subsequently, the first respondent, by an order dated 23.05.2011 passed an order that the recognition to the petitioner School is cancelled, since there was no sanctioned post for teacher is available and there was 27 students only. Aggrieved by the same, the petitioner again preferred a writ petition in W.P.No.13579 of 2011. This Court, finally set aside the order passed by the first respondent and the petitioner was given liberty to file objections and thereafter, the first respondent was directed to consider and pass orders within a period of six weeks. Accordingly, the petitioner submitted explanation. Now, the first respondent passed an order, thereby cancelling the recognition of the petitioner School and closed the



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School.

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4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner School is an old one and it is running from the year 1945. Therefore, the petitioner was unable to file its recognition and approval. Further, the respondents made an inspection on 23.12.2022 and submitted a report. However, the report was not furnished to the petitioner to submit effective explanation. Since the petitioner School is old one, Section 14A(d) of the Tamil Nadu Recognized Private Schools Act, 1973 (herein after called as “the Act”) is not applicable to the petitioner School. Further, the first respondent has no jurisdiction to pass this order, since the first respondent is an appellate authority and the Joint Director of Elementary Education is the competent authority to pass order.

5. Per contra, the second respondent filed counter and on the submissions made by the learned Additional Advocate General appearing for the respondents revealed that the petitioner School had not been granted any recognition from the year 1993 onwards. That apart, the petitioner has been appointing Teachers from time to time, for periods of three to six months without obtaining any prior approval from the respondents. That apart, on inspection, it was found that the



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petitioner School had only 18 students. An inspection was conducted on 23.12.2022, in the presence of the petitioner and it was again found that there was only 18 students. Accordingly, the petitioner was informed and he had submitted a detailed explanation. On consideration of the explanation, a detailed order was passed by the first respondent.

6. This Court, by an order dated 22.08.2022 in W.P.No.13579 of 2011 directed the respondents to pass appropriate orders. Therefore, the first respondent, after considering the explanation submitted by the petitioner passed the impugned order. That apart, the petitioner failed to comply with other requirements as contemplated under the Act for recognition. Further, since the petitioner School is being run with only 18 students and as no recognition had been granted from the year 1993, the recognition of the petitioner School was not considered and was rejected.

7. Further, as per Section 14(A) of the Act, no grant is payable to new private schools and new class or course of instructions which came into existence in the academic year 1991 – 1992 to which no grant had been paid by the Government immediately before the date of such commencement. However, this provision is not at all applicable to the minority schools, since the petitioner



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School is a minority School.

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8. Further, the Government has to take a policy decision to disband the schools which are having less than 100 students, irrespective of their status, namely aided schools or minority school, so as to save the tax payers' money. Therefore, the petitioner's School is not having enough student strength, poor attendance and poor education quality and as such, closure order was passed to protect the interest of the students. Further, the petitioner has also fraudulently enrolled students who were studying in the neighborhood School. It shows the unlawful act of the petitioner and from the student list it is evident that many students have no Aadhar details. The students are not attending the School regularly and have attendance once a week. Therefore, in order to protect the rights and interest of the students, the recognition of the petitioner School was rightly withdrawn and ordered for closure of the School.

9. In view of the above, this Court finds no infirmity or illegality in the order passed in Na.Ka.No.17018/H1/2017 dated 28.04.2023 which was signed on 03.05.2023 on the file of the 1st respondent and the subsequent order passed by the 2nd respondent in proceedings in Na.Ka.No.0065/A3/2022 dated 10.05.2023 and the writ petition is devoid of merits and is liable to be



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dismissed.

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10. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

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To

1. The Director of Elementary Education,
Chennai-600 006.
2. The District Elementary Educational Officer,
Gobichettipalayam,
Erode District.
3. Block Educational Officer,
Gobichettipalayam,
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