



W.P.Nos.26305 and 26527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.26305 and 26527 of 2025
and W.M.P.Nos.29611 and 29819 of 2025

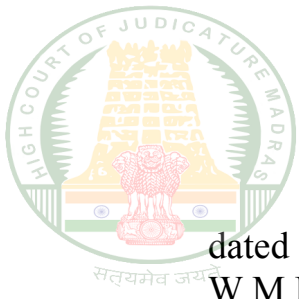
W.P.No.26305 of 2025:-

All India Private Educational Institutions Association,
Represented By Its State General Secretary,
K.Palaniyappan,
No.5, M.P.Avenue, Majestic Colony,
Saligramam, Chennai-600 093.

... Petitioner

-Vs-

1. The Principal Secretary,
Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of Private Schools,
Directorate of School Education,
DPI Campus,
College Road,
Chennai-600 006.
3. All India Private Schools Legal
Protection Society,
Represented by its President/Chairman,
I.Manoharan Jeyakumar
No1/1, Salvation Avenue,
Thirumullaivoyal, Chennai-600006.
(R3 impleaded as per order



W.P.Nos.26305 and 26527 of 2025

dated 04.09.2025 in
W.M.P.No.36329 of 2025
in W.P.No.26305 of 2025)

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4. Federation of Private School Associations – FePSA,
Represented by its State President, M.Arumugam
No.107B, B.B.Road,
Vyasarpadi,
Chennai – 600 039.
(R4 impleaded as per order
dated 04.09.2025 in
W.M.P.No.37300 of 2025
in W.P.No.26305 of 2025)

5. Federation of Associations of Private Schools
in Tamil Nadu (FAPSIT),
Regd No.SLNo.108/2010)
Having its registered Office at
Old Door No.6A,
New Door No.11,
20th Avenue, Ashok Nagar,
Chennai – 600 008.
represented by its Secretary
D.C.Elangovan
(R5 impleaded as per order
dated 04.09.2025 in
W.M.P.No.37795 of 2025
in W.P.No.26305 of 2025)

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant automatic upgradation to members of petitioner's association from primary school to Middle school pursuant to proceedings of the 2nd respondent in Na.Ka. No.2104/ E3/ 2025 dated 28.03.2025.



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For Petitioner	: Mr.K.M.Vijayan, Senior Counsel for M/s K.M.Vijayan Associates
For R1 and R2	: Mr.J.Ravindran, Additional Advocate General assisted by Mrs.S.Mythreye Chandru Special Government Pleader
For R3	: Mr.P.Mohanraj
For R4	: Mr.C.Munusamy
For R5	: Mr.N.Umapathy

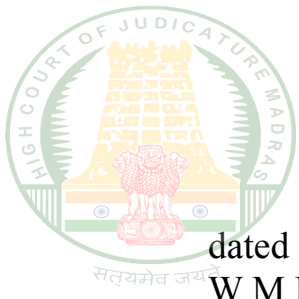
W.P.No.26527 of 2025:-

All India Private Educational Institutions Association,
Represented By Its State General Secretary,
K.Palaniyappan,
No.5, M.P.Avenue, Majestic Colony,
Saligramam, Chennai-600 093.

... Petitioner

-Vs-

1. The Principal Secretary,
Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of Private Schools,
Directorate of School Education,
DPI Campus,
College Road,
Chennai-600 006.
3. All India Private Schools Legal
Protection Society,
Represented by its President/Chairman,
I.Manoharan Jeyakumar
No1/1, Salvation Avenue,
Thirumullaivoyal, Chennai-600006.
(R3 impleaded as per order



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dated 04.09.2025 in
W.M.P.No.36332 of 2025
in W.P.No.26527 of 2025)

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4. Rosemary Matric Higher Secondary School,
No.1, Punithavathiyar Street, Palayamkottai,
Tirunelveli- 627 002
5. Rosemary Matric Higher Secondary School,
No.1, Ram Nagar, Maharaja Nagar, Post,
Palayamkottai, Tirunelveli-627011.
(R4 and R5 are impleaded as per order
dated 04.09.2025 in W.M.P.No.36857 of 2025
in W.P.No.26527 of 2025)
6. Federation of Private School Associations – FePSA,
Represented by its State President, M.Arumugam
No.107B, B.B.Road,
Vyasarpadi,
Chennai – 600 039.
(R6 impleaded as per order
dated 04.09.2025 in
W.M.P.No.37306 of 2025
in W.P.No.26527 of 2025)
7. Federation of Associations of Private Schools
in Tamil Nadu (FAPSIT),
Regd No.SLNo.108/2010)
Having its registered Office at
Old Door No.6A, New Door No.11,
20th Avenue, Ashok Nagar,
Chennai – 600 008.
represented by its Secretary
D.C.Elangovan
(R7 impleaded as per order
dated 04.09.2025 in
W.M.P.No.37799 of 2025
in W.P.No.26527 of 2025)

...Respondents



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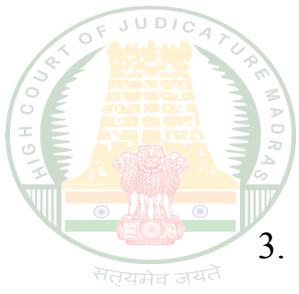
Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the proposal of the second respondent proceedings in Na.Ka.No.2341/A1/2025 dated 28.03.2025 by granting permanent recognition to the members of the petitioner's association.

For Petitioner	: Mr.K.M.Vijayan, Senior Counsel for M/s K.M.Vijayan Associates
For R1 and R2	: Mr.J.Ravindran, Additional Advocate General assisted by Mrs.S.Mythreye Chandru Special Government Pleader
For R3	: Mr.P.Mohanraj
For R4 and R5	: Mr.K.Prabhakaran
For R6	: Mr.C.Munusamy
For R7	: Mr.N.Umapathi

COMMON ORDER

W.P.No.26527 of 2025 has been filed for direction directing the first respondent to consider and pass orders on the proposal sent by the second respondent proceedings in Na.Ka.No.2341/A1/2025 dated 28.03.2025 by granting permanent recognition to the members of the petitioner's Association.

2. W.P.No.26305 of 2025 has been filed for direction directing the respondents to grant automatic upgradation to members of petitioner's Association from primary school to Middle school, pursuant to proceedings of the 2nd respondent in Na.Ka. No.2104/ E3/ 2025 dated 28.03.2025.



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3. Heard the learned counsel on either side and perused the materials

available on record.

4. The petitioner's Association is a registered one consisting many private schools which provide education to all parts of Tamil Nadu. There are various categories of schools as classified in the Tamil Nadu Private Schools Regulation Rules, 2023 like Play School, Pre-Primary School, Nursery School, Middle School, High School and Higher Secondary School. The grant of temporary recognition to schools is provided under Section 8(1)(b) of the Tamil Nadu Private Schools (Regulation) Act, 2018 (herein after called as "the Act") and Rule 8(8) of the Tamil Nadu Private Schools (Regulation) Rules, 2023. The grievance of the members of the private schools and students is that, due to the granting of temporary recognition, they are required to seek statutory renewal from time to time as prescribed under the Act. Previously, all the schools in Tamil Nadu were governed by Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and its corresponding rules. Section 11 deals with the Recognition of Private School. Accordingly, the word used are only "recognizing the private schools" which means permanent recognition and there is no mention of temporary recognition. However, the education



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department used to grant temporary recognition till the notification of G.O.Ms.No.752 of Education, Science and Technology (R1) Department dated 02.09.1994 which provided for the grant of permanent recognition. This order was extended for longer period. However, the Education Department without any reason simply stopped issuing permanent recognition and granted only temporary recognition.

5. Therefore, the petitioner filed a writ petition before this Court in W.P.No.36324 of 2016 seeking for granting of permanent recognition to the petitioner's member Schools under the provision of Matriculation Code based on the above said Government Order. This Court, by an order dated 02.09.2021, disposed the writ petition directing the concerned authorities to give effect to the Government Order. Pursuant to the direction issued by this Court, once again, the Education Department issued a Government Order in G.O.Ms.No.152 dated 12.11.2021 and had withdrawn the earlier order in G.O.Ms.No.752 Education, Science and Technology (R1) Department dated 02.09.1994. Thereafter, the Government of Tamil Nadu had introduced a new Act for regulation of Private Schools viz., Tamil Nadu Private School (Regulation) Act, 2018 with effect from 13.01.2024. As per the new Act, the



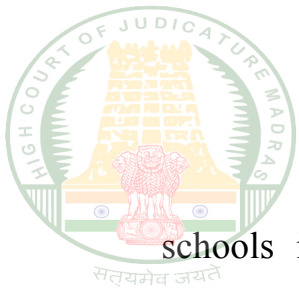
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provision under Section 8(1) envisages about grant of certificate of recognition.

Accordingly, the certificate shall be issued recognizing private schools for the purpose of the Act, for such period, as may be prescribed. Further, the renewal of recognition mandates full exercise as of obtaining recognition itself. As per the new Act, the Rules were also framed and Rule 8(8) specifies the time period of recognition as the period specified in the structural stability certificate or the building licence whichever is earlier.

6. Aggrieved over the said provision under the Act and Rules, the petitioner Association and also other Associations of the private schools submitted a detailed representation to consider the issue of granting permanent recognition. In fact, they also filed a writ petition before this Court in W.P.No.26138 of 2024 challenging the validity of the provision relating to temporary recognition and it is pending. In the meantime, considering the representation submitted by various Associations, the second respondent made a recommendation dated 28.03.2025.

7. A perusal of the recommendation of the second respondent revealed that the second respondent considered all the difficulties faced by the private

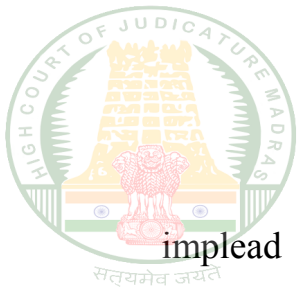


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schools in Tamil Nadu and recommended to the first respondent to pass appropriate Government order enabling the private schools to get permanent recognition which are functioning for long period of time subject to compliance of various condition as stipulated in the recommendation.

8. However, the first respondent has not passed any order so far. Therefore, the petitioner was constrained to submit a detail representation to implement the recommendations issued by the second respondent. Pending these writ petitions, some of the Associations filed implead petitions. Except the petitioner in W.M.P.No.36332 of 2025 in W.P.No.26527 of 2025 and the petitioner in W.M.P.No.36329 of 2025 in W.P.No.26305 of 2025, all the others are sailing with the petitioner and sought for direction to the first respondent to implement the recommendations submitted by the second respondent.

9. A perusal of the implead petitions and also on the submissions made by the learned counsel for the impleading respondents revealed that, the petitioners in both the writ petitions are not functioning today and the Association itself was already dissolved and as such, they have no locus to file these writ petitions. On the other hand, in the affidavit filed in support of the

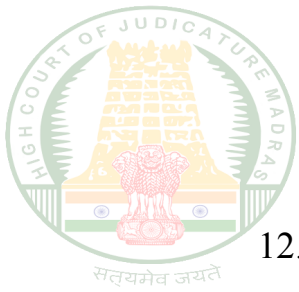


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implead petitions revealed that, they are also fighting for the welfare and development of the Private Schools and sought direction to implement the recommendation of the second respondent by the first respondent.

10. Therefore, the submissions made by the learned counsels for the impleading respondents cannot be countenanced, since they are representing in respect of the internal disputes between the Association members and it cannot be resolved in these writ petitions.

11. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that, in accordance with various conditions as stipulated in the proceedings of the second respondent, the first respondent will consider and pass appropriate orders. She also submitted that though the writ petitions were filed by the Association consisting several Schools as its members, each and every schools' recognition will be considered separately depending upon the fulfillment of the required norms and guidelines as recommended by the second respondent.



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12. Insofar as WP.No.26305 of 2025 is concerned, the members of the petitioner are running schools under various categories as classified under Tamil Nadu Private Schools Regulation Rules, 2023. The primary schools and the students who are pursuing education under 25% of reserved free and compulsory education category provided under the Right of Children to Free and Compulsory Education Act, 2009 (herein after called as “the Act”) are facing further grievances. The provisions under Section 12(c) of the Act provides for free and compulsory education for at least 25% of its strength to the classes of children belonging to weaker sections and disadvantaged groups.

13. The Right to Free and Compulsory Education was introduced with an intention to provide free education to children till elementary education i.e till 8th standard. Some of the members of the petitioner’s Association who are unaided schools, function under the category of primary schools that come under Sub clause (C) of Section 12 of the Act. Due to the delay in obtaining the upgradation which is caused due to administrative reasons, the children who pursued free education under the Act till 5th standard, were left with no other option except to join some other schools which are already functioning with 25% sanctioned reserved strength. Therefore, there will be no vacancy for them



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in the sanctioned 25% strength under the Act.

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14. Therefore, all the schools through their Association submitted representation and made a recommendation by the proceedings dated 28.03.2025 to the first respondent to pass appropriate orders enabling the private schools to have automatic upgradation with certain conditions, in order to ensure the effective implementation of the Act.

15. Even assuming that the petitioner's Association is dissolved, it has nothing to with the prayer sought for in these writ petitions, since the petitioner filed these writ petitions for general cause of all the private schools.

16. In view of the above, the first respondent is directed to pass appropriate order in the light of the recommendations submitted by the second respondent by its proceedings dated 28.03.2025, within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 17. With the above directions, these writ petitions stand allowed.

Consequently, connected Miscellaneous petitions are closed. No costs.

04.09.2025
(2/2)

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn

To

1. The Principal Secretary,
Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of Private Schools,
Directorate of School Education,
DPI Campus,
College Road,
Chennai-600 006.



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G.K.ILANTHIRAIYAN. J,

mn

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