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W.A.No.3413 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.3413 of 2025
and
C.M.P.No.27891 of 2025

Tamil Nadu Private Schools Progressive Association,
Represented by its State Vice President,
Mr.S.Premnath,
S/o.S.C.Sarangapani,
Having Office at E4, Sri Nagar Extn. Mittanamalli,
Avadi, Chennai - 600 055.

... Appellant

-Vs-

1. The Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
3. The Director of Private Schools DPI Campus,
College Road, Chennai - 600 006.
4. The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.



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5. The Director,
Directorate of Elementary Education,
DPI Campus,
College Road, Chennai - 600 006.

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 14.10.2025 in W.P.No.38747 of 2025.

For Appellant : Mr.S.Silambanan, Senior Counsel
for M/s.Kaavya Silambanan Associates

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.S.Yashwanth
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 14.10.2025 made in W.P.No.38747 of 2025.

2. The present appellant was the writ petitioner along with yet another writ petitioner and both the writ petitions were filed by the Association of Unaided Private Recognized Schools functioning in the State of Tamil Nadu. In the said writ petitions, they challenged G.O.(Ms).No.221, School Education (MS) Department, dated 03.10.2025 issued by the second respondent and the consequential proceedings issued by the third respondent in the month of September, 2025 and 06.10.2025.



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3. Under the Right to Education Act, 2009 in short 'RTE Act', especially, as per Section 12(1)(c), unaided schools are required to admit the children belonging to weaker section and disadvantaged groups to the extent of at least 25% of strength in Class I, that was subsequently extended even to the admission for the Kindergarten Classes, i.e., LKG admission for the academic year 2013-14.

4. As per Rule 8(5) of the Tamil Nadu Right to Education Rules, 2011, such admission under Section 12(1)(c) shall be completed before the commencement of the academic year. In order to enable such admission for the weaker section upto 25% in these groups, every year, sometime in February, the process would be commenced by the Government itself by opening a web portal where every eligible parent can make an application through online portal and that process would go on upto May, i.e., well prior to the commencement of the academic year which would normally be commencing from 1st June.

5. However, insofar as the academic year 2025–26 is concerned, such process had not been undertaken by the Government as there has been no web



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portal made available for any such parents to seek admissions for their wards under 25% quota under RTE Act, resultantly, the schools on their own completed their admissions well in time and the classes were commenced and it is going on.

6. When that being so, the present Government Order, i.e., G.O.(Ms).No.221, School Education (MS) Department dated 03.10.2025 was issued, whereby the Government directed the schools to submit the list of students, for the purpose of calculating the amount to be reimbursed, as the school fee payable by those students who have been admitted under 25% quota, for those unaided schools.

7. In view of the said Government Order and the consequential proceeding issued by the respondents 2 & 3, the timeline was originally fixed upto 17.10.2025 to submit the list of students by each of the schools. However, at that time, it was the grievance of the members of the petitioner Association, i.e., Private Unaided Schools that, as the admissions have already been completed and the classes were commenced and at the time of admission, it has not separated the admissions with regard to 25% quota this year, because of non-opening of the web portal by the Government, which become herculean



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task now for the schools to enumerate the students and complete the process and submit a list to the Government, that too within a shortest possible period as has been provided in the impugned communication before the writ Court, therefore on that premises only, those writ petitions were filed challenging the Government order and consequential proceeding issued by the respondents 2 & 3.

8. The Writ Court, having considered the import of the proceeding and also the factual matrix, was of the view that, since the stand taken by the respondent Government that, these particulars have been sought for under RTE Act, i.e., list of students admitted under 25% quota only for the purpose of reimbursing the tuition fee for which those marginalised students or on their behalf, the parents are entitled to get the reimbursement of the tuition fee paid or payable to the school and therefore, to that extent only, those particulars since have been sought for, it cannot be treated as offending Government Order or the proceeding, hence, there has been no valid challenge against the proceeding, was the stand taken by the Government.

9. That was in fact accepted by the writ Court and ultimately, the writ Court by observing the aforementioned facts, has disposed of the writ petition



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by extending the time from 17.10.2025 to 31.10.2025 as a last chance for making the submission of those particulars, i.e., list of students admitted under 25% quota by individual schools.

10. However, still aggrieved over the said order passed by the writ Court which is impugned herein, one of the writ petitioners, i.e., the present appellant has moved the instant writ appeal.

11. Mr.S.Silambanan, learned Senior Counsel appearing for the appellant would submit that, it is the duty on the part of the Government to open the web portal to invite applications from eligible students enabling the students / parents to choose nearby schools to get admissions into 1st Standard or Kindergarten Classes under 25% quota of RTE Act. When such an exercise has been completely given a go by the Government for the academic year 2025–26, the schools could not have waited beyond June 2025, therefore, they started the admission and completed the same including 25% quota, therefore, how many of the students admitted in which school under 25% quota under non-payment of fee category or those quota also had been filled up by the students admitted by paying the nominal fee fixed by the Government in this regard cannot be separated now, that too within a shortest period that has been allowed in the



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said communication which was impugned before the writ Court. Therefore, since that was the grievance mainly focused by the appellant's side, the learned Senior Counsel appearing for the appellant seeks indulgence of this Court against the order that has been passed by the writ Court as well as the impugned communication as well as Government Order before the writ Court.

12. We have heard Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents, who, would submit that, pursuant to the impugned communication, already several schools have responded and they sent the list of students admitted under 25% quota. In this context, he has submitted a tabular column consisting of total number of students admitted in the year 2025–26 under 25% quota as has been submitted by the Joint Director, Directorate of Private Schools, Government of Tamil Nadu, dated 12.11.2025, which suggests the total number of students admitted in LKG under 25% quota is 70,350 and the total number of students admitted in 1st Standard is 99. Therefore, insofar as those admitted students under 25% quota are concerned, already the process have ben commenced to verify the list submitted by various schools and the eligibility of each of the students to get reimbursement of the fee and accordingly, such reimbursement would be made in due course. When that being so, at this last juncture, the remaining schools represented by the



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appellant Association cannot seek shelter to seek extension of time for making submission of the list and therefore, he opposes the present writ appeal.

13. We have considered the said rival submissions made by the learned Senior Counsel appearing for the appellant as well as the learned Additional Advocate General appearing for the respondents.

14. Insofar as the process of admission under 25% quota under RTE Act for the academic year 2025-26 is concerned, admittedly the Government has not taken steps well in advance, i.e., February, 2025 by opening the web portal inviting the applications from the eligible parents to get admissions from various schools under 25% quota, result of which, admissions have been made on their own by the respective School and the admissions were closed well in advance some time in June, 2025 itself.

15. When that being the position, only in October, the present Government Order has been issued and the consequential proceeding also has been issued, where short time was given to the schools to give the list of students. Even though some schools have sent list to the extent of number of



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students upto 70,350, remaining schools might not have sent such list of students for variety of reasons.

16. One such reason mentioned is, some of the schools even might not have admitted any students under 25% quota, i.e., without collecting any fee, because such kind of applications would normally be routed through website be opened by the Government every year, in the absence of any such website be opened by inviting any such applications under 25% quota by the Government, there has been no route for such applications being made to several schools, as a result of which, admissions have been completed otherwise.

17. Even in some schools very limited number of admissions could have been made under 25% quota without collecting any fee, that too on the basis of the direct applications made by the parents to the concerned school.

18. These factors have to be enumerated after verifying the entire records available in the particular school for the academic year 2025-26 and after completing this exercise only, the list sought for, either the full list of students or very minimum number of list of students or nil list of students in respect of some schools could be made. This exercise would take some reasonable time to



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respond and send list of students to the Government for the purpose of reimbursement.

19. In order to complete such exercise, the time originally granted, i.e., 17.10.2025 as well as extended time by the writ Court upto 31.10.2025 may not be sufficient, is the main contention raised by the learned Senior Counsel appearing for the appellant.

20. In response to the same, the learned Additional Advocate General appearing for the respondents, on instructions, would submit that, if at all that would be the main grievance of the appellant Association, the time can be extended as per the discretion of this Court based on the ground reality and practicality of the issue, he contended.

21. We have considered these submissions and have examined the same. In view of the aforestated facts and circumstances, since the impugned Government Order as well as proceeding were not vulnerable for any successful challenge, the conclusion reached by the learned Judge with reasons through the impugned order have to be sustained, accordingly they are sustained. But at the same time, insofar as the time granted by the respondents for submission of



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the list of students either with full capacity of 25% quota students or the less number of students or even nil list of students, it will take some reasonable time to complete the task and send the list to the Government and therefore, we deem it appropriate to extend the time beyond 31.10.2025 upto 30.11.2025 before which all the remaining schools shall send the list pursuant to the impugned communication to the concerned authority of the School Education Department of the Government of Tamil Nadu and on receipt of such communication, it is open to the respondents to process those list of students for the purpose of reimbursement of the tuition fee under 25% quota as per the provisions of RTE Act as well as the Rules made thereunder.

22. It is made clear that, this extension of time made upto 30.11.2025 is like a consent order as there could be no objection either from the appellant or from the respondents side to give such extension in order to complete the task of sending the list and processing the same for reimbursement and therefore, under no circumstances, further extension can be sought for beyond 30.11.2025.



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WEB COPY 23. With these additional direction and modification of the impugned order, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
13.11.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji

Note: Issue order copy by 19.11.2025.



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To

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HEMANT CHANDANGOUDAR, J.**

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