



W.P.(MD).No.18356 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.18356 of 2025

and

W.M.P(MD) Nos.14067 and 14068 of 2025

S.Anandan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
O/o.The Director of Elementary Education,
College Road, Chennai - 6.
- 3.The Joint Director of Elementary Education,
O/o.The Joint Director of Elementary Education,
College Road, Chennai - 6.
- 4.The District Educational Officer (Elementary),
O/o.The District Educational Officer,
Theni, Theni District.
- 5.The Block Educational Officer,
O/o.The Block Educational Officer,
Chinnamanur Block,
Theni District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent vide his impugned proceedings in Na.Ka.No.2354-A3-2025 dated 24.06.2025 and quash the same as illegal and consequently direct the respondents to consider the application of the petitioner to close down the school Markayankottai Raghavendraro Venkatrao (MRV) Middle School, Chinnamanur Range, Uthamapalayam Taluk, Theni District within the period that may be stipulated period by this Court.

For Petitioner : Mr.H.Mohammed Imran, for
M/s. Ajmal Associates.

For Respondents : Mr.PT.Thiraviam
Government Advocate

ORDER

It is informed by the learned counsel for the petitioner that there is an internecine dispute within the management. The school committee has not been constituted after 2012 and that the term of the school committee expired on 18.03.2012. It is further submitted that over period of time, the school has also lost the number of students and that for the academic year 2023-24 the school had lesser students. Therefore, the petitioner has sent a representation on 16.11.2023 for closure of the school, in response to which, the respondents have called upon the petitioner to produce copy of resolution of the school committee



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for closure of the school.

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2. The learned counsel for the petitioner would further submit that the school committee has not been constituted after 18.03.2012. That apart, the learned counsel for the petitioner would submit that there were only three teachers, out of which, two have already been deputed to some other schools and only one Teacher remains on rolls of maintain the school records.

3. The learned counsel for the respondents on the other hand would draw an attention of **Rule 16 of the Tamil Nadu Private Schools (Regulation), 2023** Pare Materia with **Rule 20 of the Tamil Nadu Recognise Private School (Regulation), 1974**. It is submitted that unless resolution of the school committee has given, there is no question of closure of the private school.

Rule 20 of the Tamil Nadu Recognized Private School (Regulation) rules, 1974, reads as under:

20. Conditions for closure of private school, class and course of instruction therein. –

(1) No educational agency shall close a private



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school or a class or a course of instruction therein without giving a notice in writing to the competent authority who had given permission to open the school, the class or the course of instruction in Form VIII for closure of the private school and in Form VIII-A for closure of the class or the course of instruction in such school, and without obtaining orders permitting such closure from the competent authority.

(2) The notice shall be given to competent authority before first September of the year preceding the year in which the closure is proposed to be given effect to.

(3) Alternative arrangements shall be made for the continuance of the instructions to the pupils of the private school or the class or the course of instruction proposed to be closed, as the case may be, for the period of study for which they have been admitted.

(4) Such closure shall take effect from the date of expiry (31st May) of the academic year, as specified by



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the competent authority permitting the closure.

(5) The competent authority, while giving such permission for closure of the private school or the class or the course of instruction therein shall satisfy himself about the adequacy of the alternative arrangements proposed to be made. Any property endowed to the private school proposed to be closed shall be continued to be used for the educational purposes in accordance with the objects of the Trust or Endowment. All other property of the private school like contributions and donations from the public shall also be continued to be utilized for the educational purposes.

Rule 16 of the Tamil Nadu Private Schools (Regulation), 2023 reads as under:

“16. Closure of a private school or a class or a course or a medium of instruction in the school.-

(1) No educational agency shall close down a private school or a class or a course or a medium of instruction in the school without the prior approval of the competent authority.



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(2) *A notice in writing in Form-IV requesting for closure of a school or a class or a course or a medium of instruction in the school shall be given to the competent authority before the 1st day of December of the year preceding the academic year in which the closure is proposed to be given effect.*

(3) *The educational agency shall submit an affidavit to the effect,-*

(a) that intimation regarding closing down of the school has been communicated to the parents of all the pupils studying in the school;

(b) that alternative arrangements for the continuance of the study of the pupils in another recognized school will be made at the end of the said academic year;

(c) that the other school to which the pupils will be transferred is a recognized school;

(d) that necessary arrangements for the admission of the pupils to the other recognized school will be completed before closing down the school;

(e) that the permanent records of the school will be handed over to the concerned competent authority;

(f) that necessary arrangements will be made



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to deploy the retrenched staff in the manner as prescribed in rule 31; and

(g) that all the members of the educational agency have given their consent for the closure of the school.

(4) The competent authority on receipt of the notice and after satisfying that there are justifiable reasons for entertaining the request for closure, shall pass an order granting approval for closure within a period of three months from the date of receipt of the notice. The order shall specify that the educational agency should make necessary arrangements as sworn in the affidavit referred to in sub-rule (3) and produce a certificate to that effect to the competent authority before closing down the school.

(5) Where the competent authority grants approval for closure during the course of an academic year, such closure shall take effect only after the expiry of the said academic year.

(6) If the competent authority finds that the notice given under sub-rule (2) is defective or the reasons adduced for closure are not satisfactory, the authority shall pass an order refusing to grant approval for closure of the school or a class or a course or a medium of instruction, as the case may be, within a period of three



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months from the date of receipt of the notice after giving the educational agency an opportunity of making a representation.”

4. Reading of the above rules indicate that they do not contemplate the receipt of resolution of the school committee. Therefore, question of insisting the petitioner to produce the resolution of the school committee does not arise particularly when no school committee was constituted after 2012. In an event, the respondents shall enquire about the same and call for the records regarding internecine dispute within the management. The third respondent is therefore directed to redo the exercise afresh and thereafter, pass appropriate orders for closure of the school committee.

5. In view of the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

07.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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C.SARAVANAN, J.

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