



W.P.(MD).No.24222 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.24222 of 2024

and

W.M.P.(MD)Nos.20492 and 20493 of 2024

The Correspondent,
Ilayangudi Higher Secondary School,
Ilayangudi 630 702,
Sivagangai District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.
- 2.The Director of School Education,
College Road,
Chennai.
- 3.The Joint Director of School Eduation,
(Higher Secondary),
College Road,
Chennai.
4. The Chief Educational Officer,
Sivagangai, Sivagangai District.
5. The District Educational Officer,
(Secondary Education),
Sivagangai, Sivagangai 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 Certiorari, calling for the records relating to the impugned orders issued by the 3rd respondent Joint Director of School Education in Pa.Mu. No. 032203/w4/e3/2024 dated 04.07.2024 and the consequential impugned proceedings in O.Mu.No. 045539/w4/e3/2024 dated 02.08.2024, quash the same in so far as according permission to start parallel English Medium section for standard XI and XII under self- financed scheme.

For Petitioner : M/s.A.Amala
For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

Challenging the order passed by the 3rd respondent / Joint Director of School Education Department dated 04.07.2024 and the consequential proceedings by the 3rd respondent dated 02.08.2024, this writ petition is filed seeking to accord permission to start parallel English medium sections for standards 11th and 12th under self-finance scheme.

2.The learned counsel for the petitioner M/s.Amala submitted that the petitioner school is a minority educational institution established in the year 1947 as a High school. Later the same was upgraded as a Higher Secondary



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School in the year 1978. The State Government, considering the importance of English medium in private aided schools came up with the policy decision in G.O.Ms.No.148, School Education Department, dated 20.07.2018, allowing private aided schools to start parallel English medium schools utilising the available staff structure in the existing Tamil medium schools receiving grant-in-aid. In view of the same, the petitioner school commenced parallel English medium sections from standard 6th to 7th from the academic year 2019-2020 onwards and the same was duly sanctioned by the 3rd respondent. The students who were admitted during 2019-2020 have now completed 10th standard to facilitate them to pursue their +1 during the academic year 2024-25, the petitioner school made an application to the 2nd respondent / Director of School Education on 18.01.2024 through the respective CEO and DEO, requesting to grant permission to commence parallel English medium sections for standards 11th and 12th. However, the impugned proceedings dated 04.07.2024 was issued by the 3rd respondent by according permission to commence parallel English medium sections for standards 11th and 12th under the self-financed scheme.

3. Aggrieved by the said order of the 3rd respondent that the same was not issued in the light of G.O.Ms.No.148 dated 20.07.2018, the petitioner



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registered their objection to the 3rd respondent, requiring the 3rd respondent to remove the word self-financing by the letter dated 12.07.2024. The petitioner's representation was duly considered and the consequential order dated 02.08.2024 came to be passed by the 3rd respondent relying upon Section 14(A) of the Tamil Nadu Private Schools Regulations Act, 1973 and Rule 33 of Tamil Nadu Private Schools Regulations Rules, 2023, thereby communicating to the petitioner school that, on the basis of the Government's policy decision in terms of the aforesaid rules and act, permission could be accorded to the private aided schools which was established on or after the date of commencement of the academic year 1991-1992, only under self-financing scheme. Challenging the same, this writ petition came to be filed.

4.The learned counsel for the petitioner insisted that the permission which was sought for was not to commence a new course but to commence parallel English medium sections for 11th and 12th standards, in the similar manner in which parallel English medium sections were commenced from class 6th to 10th. Having accorded permission for commencing a parallel English medium from class 6th to 10th, such a permission for standards 11th and 12th should be automatic and it is too unfortunate that the 3rd



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respondent has considered the same as a permission sought for to commence a new course itself and hence both the impugned orders are bad and sought for quashing the same and directing the 3rd respondent to accord permission to commence parallel English medium sections for class 11th and 12th.

5.Per contra, the learned Government Advocate Mr.T.Amjad Khan, on the basis of the counter affidavit filed by the 3rd respondent submitted that the aided schools which deserve to open parallel English medium sections shall apply to the Government through concerned authorities after fulfilling the basic conditions, such as infrastructure and basic amenities for opening such English medium sections putting forth the reasons in detail. The Director of School Education shall send all such proposals to the Government with his recommendation after getting reports of the local officers on the availability of the infrastructure facilities etc.,. All schools deserving to open parallel English medium sections must open them only as new sections and the existing Tamil medium sections in the schools should not be allowed to be converted as English medium sections or closed and there should not be any reduction in the strength of Tamil medium sections. He further stated that English medium sections could be permitted as



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unaided one, notwithstanding the fact that the institution is an aided one and that no teaching grant or teaching post would be sanctioned and the institution would be permitted to levy fees from the students as in the case of the matriculation schools. The private aided schools were allowed to start parallel English medium sections in order to impart education wherever there are no Government schools and the Government had come forward to pay grant in aid only to such schools. However, the school management after the enactment of Section 14-A, the Government will not pay any grant to any new schools, new sections, new course, etc. Only in this background, the Government issued G.O.Ms.No.148, School Education Department dated 20.07.2018, allowing aided private schools to start English medium schools and such permission would be issued only on the following conditions; namely: (i) English medium section should be started from among the existing Tamil medium sections, (ii) There should not be any additional expenditure to the Government.

6.Hence, it is clear that the Government cannot be burdened with any additional expenditure and there should not be any change in the existing staff fixation even if the English medium sections are permitted to be opened from among the existing Tamil medium sections. If the petitioner school is



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ready to satisfy these two conditions, the 3rd respondent would consider the case of the petitioner for commencing establishment of parallel English medium sections for class 11th and 12th.

7. Heard the learned counsels on either sides and carefully perused the materials available on record.

8. It is found that the CEO has recommended the case of the petitioner school by communication dated 04.04.2024 to the Joint Director of School Education (Higher Secondary) for according permission to the petitioner school to commence parallel English medium for standards 11th and 12th in reference to G.O.No.148 dated 20.07.2018. The learned counsel for the petitioner also categorically submitted that the petitioner school is seeking permission to commence parallel English medium sections for class 11th and 12th only on the basis of the aforesaid G.O. and they are not seeking for any grant-in-aid for the commencement of the said parallel English medium sections and she also made it clear that the existing staff structure would be utilised for the conduct of the parallel English medium sections which are likely to be commenced by the grant of permission by the 3rd respondent. However, when this Court raised a question to the learned counsel for the



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petitioner as to the total number of available Tamil medium sections in class 11 and 12 as on date in the said school, for which, the learned counsel for the petitioner submitted that there are three Tamil medium sections.

9.This Court is of the considered view that G.O.Ms.No.148 has been issued by the Government to facilitate commencement of English medium sections by the aided private schools. More particularly, the private schools receiving grant in aid shall be eligible for the same without burdening the Government with additional expenditure of sanctioning grant in aid or sanctioning new teaching post or non teaching post. The mandates of the said G.O. makes it clear that new English medium sections could be commenced from only from the existing Tamil medium sections and it is made very clear in the aforesaid G.O. that the total strength of English medium sections should not exceed 50 percent of the total Tamil medium strength. A careful perusal of the application made by the petitioner school dated 18.01.2024 would reveal that the same is also not clear about the total number of students and the total number of Tamil medium sections run by the petitioner school for class 11th and 12th as on date. However, recording the submission of the learned counsel for the petitioner that there are three Tamil medium sections available in the petitioner school for



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classes 11 and 12, of which, one section is sought to be converted into parallel English medium section.

10.This Court hereby direct the petitioner school to see to that the total strength of the English medium students do not exceed 50 percent of the existing Tamil medium students and the petitioner school will not seek for any grant in aid from the Government and any additional sanction of teaching or non teaching staffs in this regard. Hence, the petitioner is directed to make an application afresh setting out the details of the existing number of Tamil medium sections and the total number of strength in each of the Tamil medium sections and out of which one particular section is proposed to be converted into parallel English medium section and an undertaking that the total number of English medium strength will not exceed 50 percent of the available Tamil medium students strength forthwith to the 4th respondent. On receipt of the same, the 4th respondent, after verification along with the report is directed to forward the same to the 3rd respondent within a period of one (1) week. The 3rd respondent is directed to dispose of the same in the line of the order of this Court if the application is otherwise eligible to consider within a period of two(2) weeks therefrom.



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11.This Court is also of the considered view that the impugned order dated 02.08.2024 is passed on the guise that the petitioner school has made an application for commencement of a fresh course without considering the fact that the application is made only for commencement of a parallel English medium section. Hence, the same is hereby set aside. As far as the impugned order dated 04.07.2024, this Court is able to find out non application of mind in the same by stating that the petitioner would not be accorded permission to commence additional sections. Accordingly, both the impugned orders are set aside.

12.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.01.2025

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

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,



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Fort St. George,
Chennai 600 009.

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L.VICTORIA GOWRI, J.

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