



WEB COPY

WP No. 37979 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 37979 of 2024

M.N. Memorial High School
Rep. by its Correspondent,
N.K.Prasanth,
Edaicode, Edaicode and Post,
Kanniyakumari District- 629 152.

Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Joint Director of School Education, (Secondary)
DPI Campus, College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Nagercoil, Kanniyakumari District - 629 001.
- 4.The District Educational Officer,
Marthandam and Post,
Kanniyakumari District- 629 165.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, directing the second respondent to pass an order on the application made by the petitioner seeking closure of the school namely MN Memorial High School, Edaicode and Post Kanniyakumari District based on the prescribed Application Form Submitted with covering letter with all enclosures on 30.07.2024 forthwith.



For Petitioner: Mr.P. Ebenezer Paul

For Respondents: Mr.A.M.Ayyadurai

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ORDER

The writ petition is filed for a mandamus directing the second respondent to pass orders on the application made by the petitioner seeking closure of the school, namely M.N.Memorial High School, Edaicode and Post Kanniyakumari District, based on the prescribed application form submitted with a covering letter with all enclosures on 30.07.2024.

2. At the outset, it can be seen that the school is in Kanyakumari District and therefore the petitioner ought to have approached the Madurai Bench of this Court. Even though the learned counsel for the petitioner submits that part of the cause of action arises within the Principal Bench since the Secretariat is situated in Chennai, in all cases it is so. It is only on the principles of forum conveniens and to avoid forum shopping that this Court has been consistently directing the petitioner to approach the appropriate Bench based on the district in which the cause of action arises.

3. Be that as it may, in this case the petition has been entertained and the counter affidavit has also been filed. In view thereof, I am inclined to dispose of the main writ petition on merits with the rider that henceforth, in any subsequent rounds, the petitioner shall approach only the Madurai Bench.



4. The grievance of the petitioner is that the school was an aided school.

However, the strength of the students dwindled and it came to a point where there were no admissions at all.

5. Under the said circumstances, the three aided teachers working in the school were temporarily deputed to some other schools and they were not redeployed. As far as the school management is concerned, they submitted an application under Rule 16(2) of the Tamil Nadu Private Schools Regulation Rules, 2023, in the appropriate format and the same is still pending. The respondents are liable to pass orders thereon in accordance with law.

6. The writ petition is resisted by filing a counter affidavit. As per the learned Government Advocate and the counter affidavit, it is averred that the education agency attempted to close the school without prior approval. The erstwhile Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the Rules framed thereunder are referred to.

7. When the new Act has come into force from the year 2023 and new Rules have been framed, the closure of the private school will be governed by the new Act and the procedure is laid under Rule 16 of the Tamil Nadu Private Schools Regulation Rules, 2023. Since the petitioner has applied in accordance with the format provided under the new Rules, the same shall be considered in



accordance with law.

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8. The bone of contention between the authorities and the petitioner agency appears to be with regard to the admission of students. While the petitioner's case is that no student came for admission, the respondents have filed a counter affidavit stating that the agency has closed the school without prior approval. The veracity of the petitioner's statement has to be decided only in the enquiry and due opportunity has to be given to the petitioner school in the application filed by them under Rule 16 of the Tamil Nadu Private Schools Regulation Rules, 2023.

9. In view thereof, this writ petition is *disposed of* on the following terms:

(i) The petitioner's application dated 30.07.2024 shall be taken up for enquiry as per the procedure prescribed under Rule 16 of the Tamil Nadu Private Schools Regulation Rules, 2023 and the same shall be decided on merits in accordance with law.

(ii) The said exercise shall be completed within a period of twelve weeks from the date of receipt of the web copy of this order, without waiting for the certified copy of the order.

(iii) No costs.

19-01-2026

Neutral Citation: Yes/No

ns1



To

1. The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

2. The Joint Director of School Education, (Secondary)
DPI Campus, College Road, Chennai-600 006.

3. The Chief Educational Officer,
Nagercoil, Kanniyakumari District - 629 001.

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**D.BHARATHA
CHAKRAVARTHY J.**

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