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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.1896 of 2020
and
W.M.P.(MD)Nos.4254, 1595 & 1596 of 2020

S.Louis

... Petitioner

Vs.

1.The Secretary to Government of India,
Ministry of Law and Justice,
Shastri Bhawan,
New Delhi-110 115.

2.The Under Secretary to the Government of India,
Ministry of Human Resources Development,
Department of School Education & Literacy,
IS-3 Section, Room No.407-C, Shastri Bhawan,
New Delhi-110 115.

3.The Principal Secretary,
The State Government of Tamil Nadu,
School Education (MS) Department,
Secretariat, Fort St.George,
Chennai-600 009.

4.The Director of Elementary Education,
O/o.The Directorate of Elementary Education,
Chennai-600 006.



5.The Director of Government Examinations,
Directorate of Government Examinations,
Chennai-600 006.

6.The Chairman,
The State Commission for Child Rights,
The State of Tamil Nadu,
183/1, EVR Periyar Salai, Poonmalli High Road,
Dasspuram, Kilpauk,
Chennai-600010

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the amendment to Section 16 of the Right of Children to Free and Compulsory Education Act, 2019 as notified in the Gazette of India dated 11.01.2019 on the file of the first respondent and consequential G.O.Ms.No.164, School Education (MS) Department, dated 13.09.2019 on the file of the third respondent as illegal.

For Petitioner : Mr.S.Rajasekar,
M/s.Roy & Roy Associates.

For R1 & R2 : Mr.R.Nandakumaran,
Central Government Standing Counsel

For R3 to R5 : Mr.A.Kannan,
Additional Government Pleader.



ORDER

WEB COPY (Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner has filed this writ petition seeking a declaration to declare the amendment to Section 16 of the Right of Children to Free and Compulsory Education Act, 2019 as notified in the Gazette of India dated 11.01.2019 on the file of the first respondent and consequential G.O.Ms.No.164, School Education (MS) Department, dated 13.09.2019 on the file of the third respondent as illegal.

2.Main grievance of the petitioner is that amendment to Section 16 of the Right of Children to Free and Compulsory Education Act, 2019 was brought to the effect that there shall be regular examinations for fifth and eighth standard at the end of the every academic year, which would affect the children.

3.We have perused the entire amendment. Though the amendment has been brought by the Central Act, in fact, the same amendment is also gives power to the appropriate Government to decide not to hold back a child in any class till the completion of elementary



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education. Now, the State Government has also cancelled the earlier G.O. (Ms)No.164, dated 13.09.2019, vide G.O.(MS)No.21, School Education, dated 11.02.2020 and it is indicated that the old system will prevail over. Such view of the matter, as the Government decided not to implement the amendment, we are of the view that no further challenge is required. Therefore, this writ petition is closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
10.03.2026

Index :Yes/No
Internet :Yes
GNS

To

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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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