



W.P.(MD).No.9132 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9132 of 2022

and

W.M.P(MD) Nos.6536 and 10940 of 2022

Savarinayagam Primary School
Manickaapuram – 625 582
Theni District,
Represented by its Manager & Correspondent
V.Anthony Manuelraj.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai – 9.
2. The Director of Elementary Education,
DPI Campus,
Chennai – 6.
3. The District Elementary Educational Officer,
Theni District.
4. The Additional Assistant
Elementary Educational Officer,
Bodi Naickanoor,
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 declaration, declaring the Government Order G.O.Ms.No.213 School Education (C2) Department, dated 26.12.2011 issued by the first respondent is inapplicable and unenforceable to and on religious minority educational institutions such as the petitioner and consequently, forbear the respondents from directing the petitioner a Christian minority to comply with the said G.O. in so far as the petitioner's educational institution is concerned.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The present writ petition has been filed by an Aided Minority Institution, seeking a declaration, to declare that the Government Order G.O.Ms.No.213 School Education (C2) Department, dated 26.12.2011 issued by the first respondent is inapplicable and unenforceable on the religious minority educational institutions.

2. This Court, considering the similar prayer in W.P(MD) No.13973 of 2013, dated 20.07.2022. Paragraph Nos. 3 and 4 of the said order are extracted as follows:-



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*“3. The Honourable Supreme Court has taken a final decision in **Paramati Educational and Cultural Trust (Registered) and others vs. Union of India and others reported in (2014) 8 SCC 1**. As per the said judgment of the Honourable Supreme Court, the Right to Education Act is not applicable even to Aided Minority Schools. The said judgment of the Honourable Supreme Court has been followed by the learned Single Judge of this Court in **W.P.(MD)No.30805 of 2012, dated 09.03.2020, in Madras Christian College Higher Secondary School vs. The Secretary to Government and others**. In view of the judgment of the Honourable Apex Court and followed by the learned Single Judge of this Court, the said Writ Petition is allowed. The petitioner school shall not be compelled by the respondent authorities to comply with the G.O.Ms.No.213 dated 26.12.2011.*

4. With the above said observations, this Writ Petition stands allowed. No costs. Consequently connected miscellaneous petition is closed.”



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3. Following the said judgment, this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

07.01.2026

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

1. The Secretary,
Department of School Education,
Secretariat,
Fort St.George,
Chennai – 9.
2. The Director of Elementary Education,
DPI Campus,
Chennai – 6.
3. The District Elementary Educational Officer,
Theni District.
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R.VIJAYAKUMAR,J.

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