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WP(MD).No.9565 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2026**

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**WP(MD) No.9565 of 2023
and WMP(MD).No.8523 of 2023**

M/s.Holy Angel Higher Secondary School
(Christian Minority School)
Rep by its Correspondent
No.2A, Kanagavel Colony
Raja Mill Compound
Madurai

.....Petitioner

Vs

1. The Government of Tamil Nadu
Rep by its Principal Secretary
Education Department
Fort St.George
Chennai 600 009

2. The Director of School Education
College Road
Nungambakkam
Chennai 600 006

3. The Chief Educational Officer
Madurai 625 002

4. The District Educational Officer
Madurai 625 002

....Respondents

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



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records relating to the impugned order passed by the 4th respondent in his proceedings Athimu No.3386/A5/E22 dated 18.07.2022 and the consequential impugned order passed by the 4th respondent in his proceedings in Oo.Mu.No.4167/A5/2022 dated 23.08.2022 and quash the same as illegal, arbitrary and without jurisdiction and consequently directing the respondents to grant permission to the petitioner School to impart education with English as medium of instruction from IX standard from the academic year 2022-2023 on the basis of the proposal of the petitioner dated 24.06.2022 within a time frame as stipulated by this Court.

For Petitioner :Mr.B.Saravanan
Senior Counsel
For Mr.D.Kirubakaran

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

ORDER

The present writ petition has been filed by a Higher Secondary School challenging the order passed by the fourth respondent herein on 23.08.2022 wherein the request of the petitioner management to impart education in English medium for 9th and 10th standards from the academic year 2022-2023 has been rejected.

2.The petitioner School is a minority aided institution which is running classes from 6th standard to 10th standard. As far as the students strength of the School is concerned, it could be extracted from Paragraph No.5 of the counter



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filed by the respondents. Paragraph No.5 is extracted as follows:

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5.I submit that writ petitioner School have been granted aid for Tamil Medium Sections in which they have following students:

Standard	Number of Sections	Number of Students	Medium of Instructions
VI	1	12	Tamil
VII	1	19	Tamil
VIII	1	14	Tamil
IX	3	117	Tamil
X	2	98	Tamil

6.From the said tabular column, it is clear that the petitioner School is not having enough students from Classes 6 to 8 to have two sections. Only in 9th and 10th standards, the petitioner School is having students strength to run more than one section. The petitioner management has submitted a proposal on 24.06.2022 seeking permission of the official respondents to run one English medium section each in 9th standard and in 10th standard. This request has been rejected under the impugned order on the ground that the School cannot seek to impart education in English medium only for 9th and 10th standards when they are running classes from 6th standard onwards. It is further pointed out that without seeking permission to impart English medium education from 6th to 8th standards, the School Management cannot seek permission to run English medium Section from 9th and 10th standard onwards. This order is put to challenge in the present writ petition.



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7. According to the learned Senior Counsel for the writ petitioner, G.O.Ms.No.148, School Education (Paka 6(1)) Department dated 20.07.2018 clearly points out that 50% of the Sections in each standard should be maintained as Tamil medium section. In such circumstances, unless the School has student strength in a particular standard, they cannot have two sections. Unless the School is able to have two sections, they will not be in a position to start an English medium section in order to comply with G.O.Ms.No.148, School Education (Paka 6(1)) Department dated 20.07.2018. Under such circumstances alone, the School Management has sought permission to run English medium section in the 9th and 10th standards alone considering the student strength.

8. Per contra, the learned Additional Government Pleader appearing for the respondents pointed out that G.O.Ms.No.148 does not provide for partially running an English medium Section for 9th and 10th standards. In case, if the petitioner School is able to enhance their students strength from 6th standard to 8th standard also, then they can approach the authority seeking to impart education through English medium for all the Sections from 6th to 10th standard. He further pointed out that in case, if the students study in the Tamil medium from 6th standard and 8th standard, suddenly they cannot be admitted in English Medium for 9th and 10th standard. Hence, he prayed for sustaining the order passed by the respondents.



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9. I have considered the submissions made on either side and perused the material records.

10.G.O.Ms.No.148, School Education (Paka 6(1)) Department dated 20.07.2018 has permitted the aided School Managements to start English Medium Section subject to certain conditions. A perusal of the condition imposed under the Government Order reveals that English Medium Section has to be carved out only from the already existing Tamil Medium Section. The School has to be maintained 50% of the Sections as Tamil Medium Section in every standard. It further imposes a condition that the creation of English Medium Section should not result in financial burden to the Government.

11.A perusal of the above said Government Order clearly reveals that there is no restriction whatsoever to run English Medium Sections in the 9th and 10th standard without having English Medium Section in 6th to 8th standards. Admittedly in the petitioner School, they are not having any students strength to run a separate Section for English Medium from 6th standard to 8th standard. But the School is having three Sections in 9th standard and two Sections in 10th standard and therefore, they would be entitled to run one English Medium Section in 9th standard and another English medium section in the 10th standard.



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12. In view of the above said deliberations, this Court is inclined to pass the following orders:

a) The respondents are directed to permit the petitioner Management to run one English medium section each in 9th standard and 10th standard from the academic year 2025-2026.

b) The permission granted to the School shall not result in any additional financial burden or additional staff to the School Management.

13. With the above said observations, the writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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4. The District Educational Officer
Madurai 625 002

5. The Section Officer
V.R. Section
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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