
(2025) 11 MAD CK 1877

In the Madras High Court, Madurai Bench

Case No : Review Application (MD) No. 152 Of 2025, Civil Miscellaneous Petition (MD) No. 12564 Of 2025

State Of Government And Others

APPELLANT

Vs

Correspondent

RESPONDENT

Date of Decision : 06-11-2025

Acts Referred:

Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 — Section 14A, 14A(b)

Citation : (2025) 11 MAD CK 1877

Hon'ble Judges : C.V.Karthikeyan, J;R.Vijayakumar, J

Bench : Division Bench

Advocate : T.Amjadkhan, M.F.Rooshi Maas, Isaac Chamber

Final Decision : Allowed/ Disposed Of

Judgement

R.Vijayakumar, J

1. The appellants in WA(MD).No.772 of 2018 have preferred the present review application seeking to review the order dated 19.06.2018.

(A).Facts of the case:

2.The respondent School was established as a Primary School in the year 1987 and later, it was upgraded as a Middle School in the year 1997. The School is offering education from Standards I to VIII. The School Management made a representation on 18.12.2008 and sent a remainder on 17.04.2009 seeking grant-in-aid. This application came to be rejected by way of an order dated 10.08.2010. This order was put to challenge in WP(MD).No.100 of 2011. The writ Court was pleased to allow the writ petition on 15.06.2016 with a direction to the respondents to sanction and release grant-in-aid towards staff salary from the year 1987 onwards.

3.The writ order was put to challenge before a Co-ordinate Bench of this Court in WA(MD).No.772 of 2018. The Co-ordinate Bench was pleased to dismiss the writ

appeal relying upon the decision of another Division Bench judgment reported in 2008(4) MLJ 289 (G.Sahadevan Nair Vs.Government of Tamil Nadu and others) and another Division Bench judgment in W.A.(MD).No.928 of 2017 dated 30.08.2017. The Co-ordinate Bench further held that merely non-challenging the conditional recognition order cannot be a reason to deny the rights of the School. It further found that Section 14-A of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 will not stand in the way of the petitioner School in getting the relief. This order is sought to be reviewed by the State.

(B).Submissions of the learned counsel appearing on either side:

4.According to the learned Government Advocate appearing for the review applicants, the School was granted temporary recognition by way of an order dated 21.04.1993 with a specific condition that grant-in-aid would not be extended and the School would run as a self-financing institution. He had further submitted that the Co-ordinate Bench has relied upon the Division Bench judgment in W.A.(MD).No.928 of 2017 dated 30.08.2017 to dismiss the writ appeal. However, the order in W.A.(MD).No.928 of 2017 was reviewed by this Court in Review Application (MD).No.180 of 2018 and the review was allowed by way of an order dated 25.03.2021.

5.The learned Government Advocate had further submitted that the order in G.Sahadevan Nair's case was also considered by the Division Bench in Paragraph No.10 of their order. In such circumstances, the order requires to be reviewed.

6.Per contra, the learned counsel appearing for the respondent/School submitted that the Division Bench has already held that an undertaking would not stand in the way of the School claiming the benefits of grant-in-aid. When the other Schools who have given similar undertakings were granted the benefit of grant-in-aid, the writ petitioner School alone cannot be discriminated based upon the alleged undertaking. She further submitted that Section 14-A of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 would be applicable only to an institution that was started in the academic year 1991-1992. However, the petitioner School was started in the year 1987 itself.

7.The learned counsel for the respondent had further contended that the applicants have not made out any ground to review the order of this Court. When they have extended the benefit to similarly placed School, the petitioner School alone cannot be discriminated. The learned counsel had further contended that merely because the order in W.A.(MD)No.928 of 2017 dated 30.08.2017 was reviewed, that would not be a ground to review the present writ appeal order also. Hence, she prayed for sustaining the order passed in the writ appeal and to dismiss the review application.

8.We have considered the submissions made on either side and perused the material records.

(C).Analysis:

9.A perusal of the order impugned in the writ petition reveals that the School was started on 01.06.1987. However, recognition has been granted for the first time only by way of proceedings dated 21.04.1993 which is referred to as Reference No.3 in the order impugned in the writ petition. A perusal of the said order further reveals that the School has given an undertaking that they would take care of the salary and allowances of the teachers and they would never demand any grant-in-aid from the Government. Only based upon this undertaking letter, a temporary recognition has been granted to the petitioner School on 21.04.1993.

10.Section 14-A of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 clearly points out that the grant is not payable to any new private School which was started from the academic year 1991-1992. As per Section 14-A(b), even though a private School is in existence on the date of commencement of academic year 1991-1992, in case, if no grant has been paid by the Government before the date of such commencement, the said School would not be entitled to receive any grant-in-aid. The petitioner School having been established in the year 1987 was admittedly not receiving any grant-in-aid till 2008, when a representation was made for the first time seeking grant-in-aid. In fact, recognition itself has been granted only on 21.04.1993 though the School was established in the year 1987.

11.The Constitutional validity of Section 14-A of the Act was considered in a decision reported in (2007) 2 MLJ 497 (Maria Grace Rural Middle School Vs. The Government of Tamil Nadu) and the said provision was upheld with an observation that grant-in-aid is not a fundamental right.

12.The Division Bench has followed the judgment of G.Sahadevan Nair's case. A perusal of the said judgment reveals that W.A.(MD).No.928 of 2017 has been allowed by another Co-ordinate Bench on 30.08.2017. However, Review Application(MD).No.180 of 2018 has been filed seeking to review the order passed in W.A(MD).No.928 of 2017. After considering the judgment in G.Sahadevan Nair's case, a Co-ordinate Bench of this Court was pleased to hold that grant-in-aid cannot be claimed as a matter of right and in cases where recognition were granted to the School on an undertaking not to claim any aid, thereafter the School cannot seek for grant-in-aid in violation of their undertaking. The order passed in Review Application(MD).No.180 of 2018 is relating to a minority institution and it has reached finality. Therefore, it is clear that the School would not be entitled to receive any grant-in-aid as a matter of right and that too in violation of Section 14-A of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973.

13.The School having obtained recognition only in the year 1993 subject to the condition that they were run the institution as a self financing institution and would not seek grant-in-aid, is clearly bound by the provisions of Section 14-A Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. In violation of the said provision, a direction cannot be issued to release the grant-in-aid. However,

these facts were not brought to the notice of the Co-ordinate Bench. When an order has been passed in violation of the provisions of Tamil Nadu Recognised Private Schools (Regulation) Act, relying upon the decision in W.A.(MD).No.928 of 2018 which has been later been reviewed, we find that the grounds for review have been made out.

(D).Conclusion:

14.In view of the above said deliberations, the order of the writ Court is set aside and the Review Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.