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W.P. No.21240/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
24.06.2026	08.07.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.21240 OF 2026

AND

W.M.P. NO. 23002 TO 23004 OF 2026

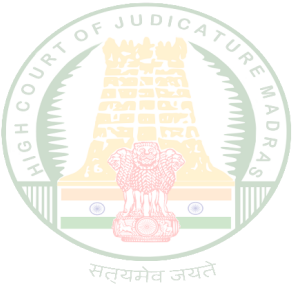
All India Private Educational
Institutions Association
Rep. By its State General Secretary
K.Palaniyappan
No.5, M.P. Avenue
Majestic Colony, Saligramam
Chennai 600 093.

.. Petitioner

- Vs -

1. The State of Tamil Nadu
Rep. By the Principal Secretary to Govt.
School Education Department
Fort St. George, Chennai 600 009.
2. The Director of Private Schools
Tamil Nadu Private Schools Directorate
DPI Campus, College Road
Chennai 600 006.
3. The Tamil Nadu Information Commission
Rep. By the State Chief Information Commissioner
Block No.19, Government Farm House
Pen Bed, Nandanam, Chennai 600 035.

.. Respondents

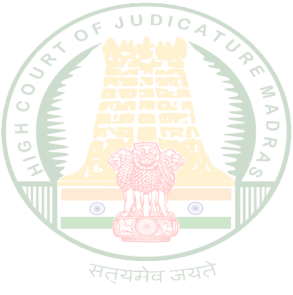


W.P. No.21240/2026

WEB COPY Writ Petition filed under Article 226 of the Constitution of India praying

this Court to issue a writ of certiorarified mandamus calling for the records pertaining to :

- i) The order dated 25.05.2026 passed by the 3rd respondent (Tamil Nadu Information Commission) in Case Nos.SA4827/A/2023 & SA17794/A/2023 and
 - ii) The consequential impugned communication Proc. No.Na.Ka.No.04303/2/2026 dated 01.06.2026 issued by the 2nd respondent (Director of Private Schools, Tamil Nadu) being the circular issued in purported implementation of the aforesaid order of the Information Commission and upon examination of the said records quash and set aside both the aforesaid order and the said consequential circular, the same being illegal, unconstitutional without jurisdiction, void ab initio, ultra vires the Right to Information Act, 2005 and ultra vires the Constitution of India and being violative of the fundamental rights of private unaided educational institutions guaranteed under Articles 14, 19 (1)(g) and 21 of the Constitution of India;
- (b) consequently, issue a direction directing the respondents, their officers, subordinates, agents and all persons acting through or under them from in any manner implementing, enforcing or giving effect to the impugned order dated 25.05.2026 passed by the 3rd respondent in Case



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Nos.SA4827/A/2023 & SA17794/A/2023 and/or the impugned circular Proc. No.Na.Ka.No.04303/2/2026 dated 01.06.2026 issued by the 2nd respondent or from taking any coercive, punitive or adverse action against any private school, educational institution or education official in furtherance of or pursuant to the said impugned orders.

For Petitioner : Mr. E.Vijay Anand

For Respondents : Mr. Mr. T.Gowthaman, AAG
Assisted by Mr.V.Prabhakaran
for RR-1 & 2
Mr. C.Vigneswaran for R-3

ORDER

A question of seminal importance has been raised before this Court through the present writ petition calling upon this Court to adjudicate as to whether the under the provisions of the Right to Information Act, the 2nd respondent has the authority to direct the private schools established in the State of Tamil Nadu to display the fee structure of the school conspicuously in the school campus on the basis of the directions issued by the 3rd respondent, which is *ultra vires* the Constitution and also the Right to Information Act.



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2. The sequence of events, which led to the issuance of the impugned order of the 3rd respondent and the consequential order and circular of the 2nd respondent are, in a nutshell, captured hereunder :-

An application u/s 6(1) of the Right to Information Act, 2005 (for short' the RTI Act') was filed before the Public Information Officer/Personal Assistant to the Chief Educational Officer, Coimbatore District on 26.10.2022, seeking particulars with regard to the fee structures/rules fixed/permissible for private matriculation and higher secondary schools in accordance with the guidelines issued by the Government.

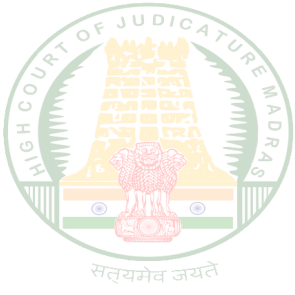
3. It further transpires that instead of providing the information sought for, the Public Information transferred the application u/s 6 (3) of the RTI Act to the District Education Officer (Private Schools), Coimbatore on 28.10.2022, which was, in turn, transferred on 26.11.2022 to all the Matriculation and Higher Secondary School Principals in Coimbatore, numbering more than hundred third party entities, which, according to the petitioner is irregular and, therefore, no information was provided within the statutory period of 30 days.



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4. Against the non-furnishing of information sought for, an appeal was filed u/s 19 (1) on 22.11.2022, which was also not disposed and against the non-compliance of the statutory prescription, two second appeals u/s 19 (3) of the RTI Act on 11.3.2023 and 9.10.2023 on the file of the 3rd respondent and upon hearing the applicant, the impugned order dated 25.5.2026 had come to be passed by the State Information Commission giving wide ranging directions, which goes far beyond the subject matter of the original application. The Commissioner, while ordered compensation of Rs.25,000/- against the public authority u/s 19 (8)(b) also issued show cause notices to the educational officials u/s 20 (1) for imposition of penalties of Rs.250/- per day upto Rs.25,000/- on each of the official, appointed the Director of Private Schools as the Public Information Officer in this case u/s 19 (8)(a)(ii) and directed issuance of operational orders to all private schools principals and further directed all private school managements, including CBSE and aided schools to display fee structures on their notice boards, websites and admission forms and further directed all the Chief Educational Officers of the Districts to inspect compliance of the aforesaid directions and submit district-wise report.



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5. It further transpires that for the purpose of implementation of the aforesaid order passed by the 3rd respondent, the 2nd respondent passed the impugned circular dated 1.6.2026 directing all the private schools to publish the government fixed fee structures by 5.6.2026 and directed inspection with regard to compliance of the said circular by the Chief/District Educational Officers and directed submission compliance reports by 10.6.2026.

6. The main grievance espoused by the petitioner through this writ petition is that the petitioner was neither made a party and none of the private educational institutions were heard before passing the order and without hearing the educational institutions, all the education institutions throughout the State were directed to comply with the directions, which is illegal, unconstitutional and without jurisdiction as the private educational institutions are not public authorities, which are amenable to the jurisdiction of the 3rd respondent and further the RTI Act would not be applicable to the said institutions. Therefore, aggrieved by the said impugned order and circular, the present writ petition has been filed by the petitioner.



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7. Learned counsel appearing for the petitioner, at the outset, assailed the impugned order as also the consequential impugned circular by vociferously submitting that the impugned order and consequential circular are illegal, unconstitutional, issued without jurisdiction, *void ab initio* and *ultra vires* the RTI Act as also the Constitution of India, as it infringes upon the rights of the private unaided educational institutions guaranteed under Articles 14, 19 (1)(g) and 21 of the Constitution.

8. It is submitted by the learned counsel that the 3rd respondent has no jurisdiction to pass any directions against the petitioner, as the private unaided schools are not '*public authorities*' as defined u/s 2 (h) of the RTI Act. It is the further submission of the learned counsel that RTI Act imposes obligations only upon '*public authorities*' as defined u/s 2 (h). In this regard, taking this court through Section 2 (h), it is the submission of the learned counsel that the definition of '*public authorities*' only takes within its fold only bodies established or constituted by or under the Constitution, or any other law made by Parliament or by any other law made by the State Legislature or by notification issued or order made by the appropriate Government. Pointing to the above, it is the submission of the learned counsel that private unaided educational institutions



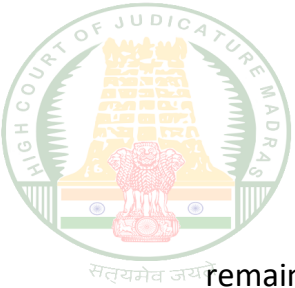
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are established and managed by private trusts, societies and individuals without State funding or direct State control and they do not fall within any of the four criteria u/s 2 (h). Further, no notification of the appropriate Government has also brought the private unaided educational institutions under the ambit of RTI framework and, therefore, the direction of the 3rd respondent is grossly without any jurisdiction.

9. It is the further submission of the learned counsel that the Supreme Court in ***Central Board of Secondary Education – Vs – Aditya Bandhopadhyay (2011 (8) SCC 497)*** has exhaustively interpreted Section 2 (h) and had held that the RTI Act applies only to public authorities as defined and not to bodies not answering that definition and, therefore, the private unaided educational institutions cannot be brought within the ambit through executive instructions or orders passed by the 3rd respondent.

10. It is the further submission of the learned counsel that merely because the educational institution is affiliated with a statutory board, it does not ipso facto render the said private institution to be a public authority u/s 2 (h) of the RTI Act as a private educational institution affiliated to the State Board or CBSE



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remains a private entity outside the framework of RTI Act and in this regard reliance has been placed on the decision of the Apex Court in ***DAV College Trust & Management Society – Vs – Director of Public Instructions (2019 (9) SCC 185)***.

11. It is the further submission of the learned counsel that the 3rd respondent is a creature of a statute constituted u/s 15 of the RTI Act and its jurisdiction is circumscribed within the four corners of the RTI Act and it has no authority to pass orders against entities which are not '*public authorities*' and any order so passed is *coram non judice* and is *void ab initio* as held by the Apex Court in ***Kiran Singh – Vs – Chaman Paswan (IR 1954 SC 340)***.

12. It is the further submission of the learned counsel that without admitting, for the sake of argument, it is accepted that private educational institutions are treated as public authorities, even then, they would be entitled to claim exemption from disclosure u/s 8 (1)(d) and 8 (1)(j) of the RTI Act and no adjudication of these exemptions was conducted by the 3rd respondent.

13. It is the further submission of the learned counsel that the 3rd respondent had exceeded its jurisdiction by passing wide legislative and



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regulatory directions, which is beyond the scope of the RTI application. In this regard, it is the submission of the learned counsel that the scope of the application before the 3rd respondent, in the present case, related only to the said case and the 3rd respondent's jurisdiction u/s 19 (3) of the RTI Act is limited only to adjudicating such specific case and passing direction, if at all, to provide the necessary details to the applicant therein and the 3rd respondent cannot pass sweeping directions when the provisions of the RTI Act has not vested such powers on the 3rd respondent.

14. It is the further submission of the learned counsel that the the order of the 3rd respondent even goes beyond the adjudicatory mandate, as it has appointed the Director of Private Schools as the Public Information Officer u/s 19 (8)(a)(ii), which officer is of a different department and further the said direction directing the Director to issue operational standing orders to all private school principals across Tamil Nadu and further directing all District Chief Educational Officers to conduct inspections and file district-wise compliance reports and further directing display of fee structures at school entrances on websites and in admission forms is wholly without jurisdiction. It is the submission of the learned counsel that the said directions are in the nature of subordinate legislation, which



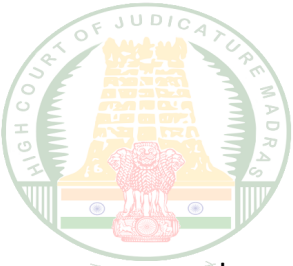
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are constitutionally vested only in the Legislature and the executive and not on a statutory complaints body. Therefore, the said directions do not have the authority of law and the same cannot be enforced by the 2nd respondent.

15. It is the further submission of the learned counsel that the authority vested u/s 19 (8)(a)(ii) to appoint a person, who shall be regarded as the Public Information Officer (for short 'PIO') is a remedial measure in an individual case, where a public authority has failed to designate a PIO or where the designated PIO is unavailable or has not discharged his duties properly and the said provision cannot be used a mechanism to bring in an entirely different statutory authority as PIO in a case where the original proceedings concerned a different public authority, viz., the CEO's and DEO's and such direction is a clear usurpation of the jurisdiction and beyond the ambit of the provision u/s 19 (8)(a)(ii) of the RTI Act.

16. It is the further submission of the learned counsel that the order for compensation u/s 19 (8)(b) and penalty proceedings u/s 20 (1) are without jurisdiction and vitiated as direction has been issued on the current PIO to pay compensation to the RTI applicant u/s 19 (8)(b) while at the same time initiating



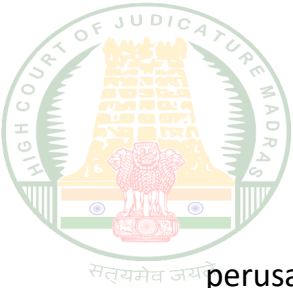
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show cause proceedings u/s 20 (1) against the education officials threatening with penalties as provided for under the RTI Act.

17. It is the submission of the learned counsel that Section 19 (8)(b) of the RTI Act empowers the commission to order for compensation by the public authority only where any loss or other detriment is suffered by the complainant. Further, penalty could be imposed on the PIO u/s 20 (1) of the RTI Act only where the request for information is denied without sufficient and reasonable cause or that incorrect, incomplete and misleading information has been given knowingly. It is the submission of the learned counsel that the aforesaid provision presupposes a valid RTI application to a public authority, whereas in the present case, the information sought pertained to private schools, which are not public authorities under the RTI Act and, therefore, the sequence of RTI proceedings is without foundation and neither compensation nor penalty can flow from the void proceedings.

18. It is the further submission of the learned counsel that the Director of Private Schools is a statutory authority, who derives its powers under the Tamil Nadu Private Schools (Regulation) Act, 2018 (for short 'Private Schools Act') and a



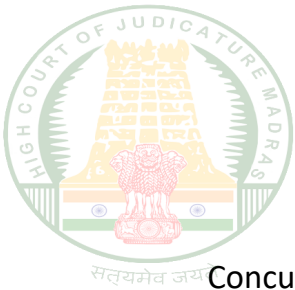
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perusal of the same would reveal that no provision empowers the Director to direct the private schools to make public disclosure of their fee structure on the notice boards, websites and admission forms as a standing general obligation.

19. It is the further submission of the learned counsel that the fee fixation mechanism under the Private Schools Act is a separate, structured quasi-judicial process on the orders of the Fee Fixation Committee and the obligation of a school to comply with such orders is distinct from an obligation to publicly broadcast the fee structure through multiple channels. However, the impugned circular casting an obligation has no statutory force under the Private Schools Act or under any other law, that too on the basis of an illegal order of the 3rd respondent, which is without jurisdiction. Reliance in this regard is placed on the decision of the Supreme Court in ***A.L.Kalra – Vs – Project & Equipment Corporation (1984 (30 SCC 316).***

20. It is the further submission of the learned counsel that the impugned circular also pertains to CBSE affiliated schools and other centrally affiliated schools in addition to State recognized private schools, which is constitutionally impermissible, as education is in Entry 25, List III of Seventh Schedule of the



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Concurrent Schedule. CBSE and CISCE are autonomous bodies operating under the authority of the Central Government with their own affiliation and by-laws and, therefore, schools affiliated to these bodies are governed in matters of internal administration by Central Regulations and the Private Schools Act, a State legislation, cannot override the said central legislation.

21. It is the further submission of the learned counsel that the decision of the Apex Court in ***T.M.A. Pai Foundation – Vs – State of Karnataka (2002 (8) SCC 481)*** has unanimously affirmed that the fundamental right of the private unaided educational institutions to establish and administer educational institutions under Article 19 (1)(g) and that the said right includes decision on matters integral to institutional functioning including fee-related decisions and could only be subject to reasonable regulation for the purpose of preventing exploitation.

22. It is therefore the submission of the learned counsel that any restriction upon the rights of private educational institutions under Article 19 (1) (g) must satisfy the twin requirements under Article 19 (6); in that it should be imposed by law and it is a reasonable restriction in the interests of the general public. However, a direction through an administrative circular unsupported by



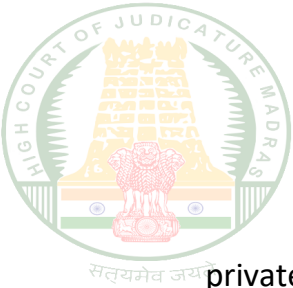
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specific statutory authority does not constitute law within the meaning of Article 19 (6) as it is only a law made by Parliament or State Legislature or a valid subordinate legislation can be said to be 'law' under Article 19 (6) as enunciated by the Apex Court in ***Bijoe Emmanuel – Vs – State of Kerala (1986 (3) SCC 615)***.

23. It is the further submission of the learned counsel that regulation of school fees must be, if at all, by law and not by an executive fiat as held by the Apex Court in ***Modern School – Vs – Union of India (2004 (5) SCC 583)*** and, therefore, the impugned order and the consequential circular are neither valid law nor valid subordinate legislation and, therefore, the same cannot be allowed to survive.

24. It is the further submission of the learned counsel that even otherwise the circular compelling the private schools to broadcast its fee structure through notice boards, publicly accessible websites and admission forms cannot be sustained as there is no finding of exploitation or overcharging and, therefore, the same cannot qualify itself as a 'reasonable restriction' and applying the ratio laid down by the Apex Court in ***P.A.Inamdar – Vs – State of Maharashtra (2005 (6) SCC 537)***, the State may, if at all, regulate fees to prevent profiteering, but the



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private unaided non-minority institutions retain administrative autonomy and intervention therefore must be proportionate through law.

25. It is the further submission of the learned counsel that there is glaring violation of Article 14 as the impugned circular has been directed to apply to all schools indiscriminately, viz., private schools, aided, unaided, matriculation, CBSE, ICSE, Nursery, Primary, Higher Secondary without any differentiation between categories, which is beyond the jurisdiction under the RTI Act or the jurisdiction of the Fee Fixation Committee. The application in an omnibus manner makes a manifestly arbitrary classification which is in violation of Article 14. In this regard, learned counsel placed reliance on the decision of the Apex Court in ***E.P.Royappa – Vs – State of Tamil Nadu (1974 (4) SCC 3)***, wherein the apex Court had held that arbitrariness is antithetical to equality and that any arbitrary State action violates Article 14.

26. Further, it is submitted that the direction of the 3rd respondent specifically singles out private schools for a public disclosure mandate that applies to no other category of private enterprise operating under government approved pricing mechanisms such a private hospitals, private utilities, etc., and



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this differential treatment without rational basis violates Article 14 and is contra to the ratio laid down by the Apex Court in ***Shayara Bano – Vs Union of India (2017 (9) SCC 1)***.

27. It is the further submission of the learned counsel that there is gross violation of principles of natural justice as the private schools, which are targeted under the said impugned order have not been given an opportunity of hearing, though they were not parties to the RTI application as the proceedings was only between the applicant and the authorities. The above violation is against the ratio laid down by the Apex Court in ***Maneka Gandhi – Vs – Union of India (1978 (1) SCC 248)*** and ***State of Orissa – Vs – Dr.Binapani Dei (AIR 1967 SC 1269)***. As a consequence thereof, the circular issued by the 2nd respondent without any hearing and notice to the petitioner and other private schools also strikes at the root of the issue and smacks of arbitrariness, unreasonableness and mala fides.

28. It is the further submission of the learned counsel that the fee structure of a private school embodies sensitive financial and institutional information and the school has a legitimate privacy interest in protecting the same from indiscriminate public disclosure and compelling unrestricted public



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disclosure of such information on notice boards, publicly accessible websites and admission forms without statutory authority and without any adjudication and opportunity violates informational privacy and clearly falls within the ratio laid down by the Constitution Bench in ***K.S.Puttaswamy (Retd.) – Vs – Union of India (2017 (10) SCC 1)*** as the triple test doctrine in relation to privacy, viz., legality, legitimate aim and proportionality is not satisfied in the present case and, therefore, the impugned order is liable to be quashed.

29. It is the further submission of the learned counsel that the Private School Act provides for a statutory right of appeal against the orders of the Fee Fixation Committee and against the fee fixed, many of the member schools have preferred appeal and others are in the process of filing appeal. Imposing upon the private educational institutions to display the fee structure, which is the subject matter of appeal would cause irreparable prejudice to the school as it infringes upon their statutory appellate rights which otherwise would not have a meaningful efficacy as the appellate rights would stand diluted on account of the display of the fee structure.

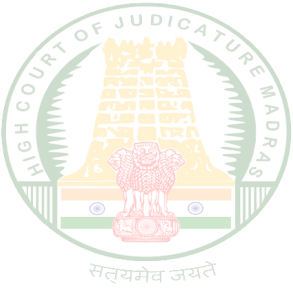


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30. It is the further submission of the learned counsel that the impugned order of the 3rd respondents directs compliance with Section 4 (1)(b) of the RTI Act, which requires the public authorities to maintain and publish 17 specific categories of information suo motu. However, the petitioner would not fall within the ambit of the definition of '*public authority*' u/s 2 (h) and, therefore, the direction of the 3rd respondent mandating compliance to display the fee structure thereof is erroneous as the extent of the application of RTI Act cannot stand extended to the members of the petitioner, viz., the private educational institutions.

31. In fine, it is the submission of the learned counsel that the private educational institutions cannot be held to be '*public authorities*' under the provisions of the RTI Act and the provisions of the Private Schools Act also does not clothe any power on the authority to direct display of the fee structure of the school, as executive instruction of the authority will not partake the character of a statutory prescription and in the light of the above, the impugned order of the 3rd respondent and the consequential circular of the 2nd respondent will not stand the test of legal scrutiny and, therefore, the same requires to be struck down and the writ petition should be allowed.

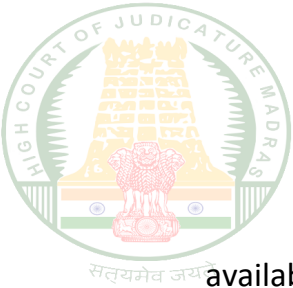


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32. Per contra, learned Addl. Advocate General appearing for the respondents, at the outset, submitted that the writ petition is not maintainable either in law or on facts, as the petitioner Association has not disclosed the particulars of its members, who are alleged to have been affected by the impugned proceedings and in the absence of the same, the petitioner cannot claim any legal injury or infraction of fundamental right and, therefore, the petitioner has no *locus standi* to maintain the writ petition. It is the further submission of the learned Addl. Advocate General that the proceedings, which is sought to be challenged by the petitioner is one passed by the 3rd respondent to which the petitioner is not a party and, therefore, without establishing the legal injury caused, the petitioner has no locus to question the said order and, therefore, the writ petition deserves to be rejected.

33. It is the further submission of the learned Addl. Advocate General that the impugned circular does not create any new obligation upon the private educational institutions, as the fee structure determined by the Tamil Nadu Private Schools Fee Determination Committee has already been published in the official website of the Committee and, therefore, the fee structure already being



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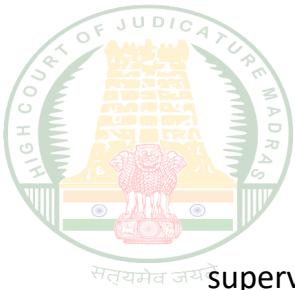
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available in the public domain, the prayer in the present writ petition itself is virtually infructuous.

34. It is the further submission of the learned Addl. Advocate General that when the fee particulars is already publicly available in the official website of the Fee Determination Committee, the consequential direction to display the same in the notice board of the respective schools cannot be said to be one creating any prejudice or creating new obligations on the private educational institutions.

35. It is the further submission of the learned Addl. Advocate General that no explanation has been provided by the petitioner to object to the displaying of the fee structure, which is already available in the website of the Fee Determination Committee, as it is no longer confidential and it is available in the public domain.

36. It is the further submission of the learned Addl. Advocate General that the provisions of the Private Schools Act empowers the competent authorities to issue directions, instructions, circulars and orders for the welfare of the students and the impugned circular has been issued in exercise of the administrative and



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supervisory powers vested in the Director of Private Schools and for ensuring compliance with the orders passed by the competent statutory authorities governing private schools. The circular neither fixes any fees nor alters the fees already determined by the Fee Determination Committee, but merely seeks to display the fee structure already fixed and approved.

37. It is the further submission of the learned Addl. Advocate General that there is a direction by the Fee Determination Committee to display the fee particulars in the notice board of the schools, which has not been questioned by the private educational institutions nor was it put to challenge till date and such being the case, the petitioner cannot now challenge the consequential administrative direction issued for the implementation of the said order.

38. It is the further submission of the learned Addl. Advocate General that the impugned circular was issued pursuant to and in compliance with the directions issued by the 3rd respondent, who is a statutory authority and the 2nd respondent was bound to act appropriately on the administrative side to comply with the directions of the 3rd respondent and further it is submitted that the 2nd respondent has not independently adjudicating the rights of the petitioner, but it



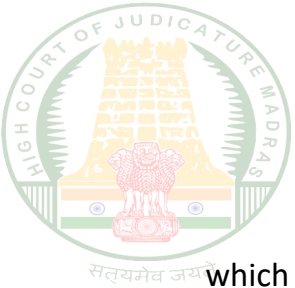
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was only to comply with the directions of the 3rd respondent in order to ensure transparency and dissemination of information which is available in the public domain.

39. It is the further submission of the learned Addl. Advocate General that the reliance placed on Articles 14, 19 and 21 are grossly misplaced, as the fee structure to be displayed are not proprietary, confidential or commercially sensitive information and is one determined by the Fee Determination Committee, which has already been published in the official website and, therefore, the present circular is only to promote transparency, accountability and informed decision making by the parents and students and is only in public interest.

40. It is the further submission that it is the consistent ratio of the courts that education is not a business and that reasonable regulatory measures are permissible to ensure transparency and prevent exploitation and that the impugned circular had been issued not only on the directions of the 3rd respondent, but also as a regulatory measure as provided for u/s 17 (3) of the Tamil Nadu Private Schools (Regulation) Rules, 2023 (for short 'Rules, 2023'),



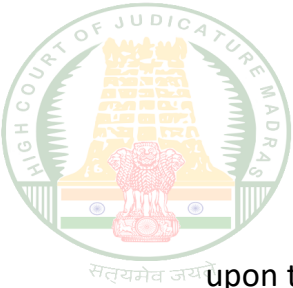
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which mandates displaying of the fee details on the notice board or the website of the private school one month before the commencement of every academic year and such obligation having been cast on the petitioner by means of the aforesaid Rule, the impugned order of the 3rd respondent and the consequential circular of the 2nd respondent cannot be put in issue as being arbitrary, illegal and unreasonable and, accordingly, prays for dismissal of the present petition.

41. Learned standing counsel appearing for the 3rd respondent, while sailed along with the contentions advanced on behalf of respondents 1 and 2 also submitted that the original complainant, who had sought information was not made a necessary party to the writ petition and, therefore, the writ petition deserves to be dismissed for non-joinder of parties.

42. It is further submitted that no authorization has been filed along with the writ petition by the petitioner to show that it has been authorised by all the private schools to file the writ petition. It is further submitted that the 2nd respondent has accepted the order of the 3rd respondent and had acted on it and the writ petitioner, being bound by the provisions of the Private Schools Act and Rules, 2023, is bound by the directions issued by the 2nd respondent consequent



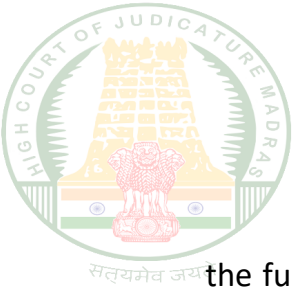
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upon the orders passed by the 3rd respondent, which is a statutory authority and, therefore, the impugned orders cannot be said to be illegal, arbitrary or unreasonable.

43. It is the further submission of the learned counsel that Section 20 of the RTI Act vests power on the 3rd respondent to impose penalty and award compensation on the public authority and the petitioner cannot question the said powers. It is further submitted that the 3rd respondent is empowered to appoint a PIO u/s 19 (8)(a)(ii) of the RTI Act to ensure proper implementation of the provisions of the RTI Act and since the direction is granted only to a public authority, the petitioner cannot have any grievance with regard to the same.

44. It is the further submission of the learned counsel that the 3rd respondent has issued direction only to a Government servant, viz., the Director of Private Schools, which post is a post defined u/s 2 (g)(iii) of the Private Schools Act and, therefore, the Director of Private Schools would be a public authority u/s 2 (h) (c) of the RTI Act. It is further submitted that no direction has been issued on any of the private schools directly and therefore the question whether a private school is a public authority or not does not require any examination. It is



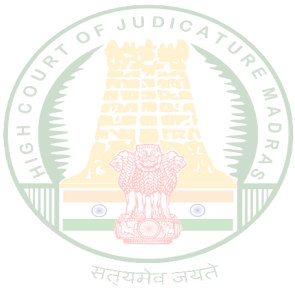
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the further submission that the information sought falls under exemptions u/s 8 (1)(d) and 8 (1)(j) is completely wrong as the information which is sought is a publicly available information, which relates to the fees fixed by the Fee Determination Committee and posted in its official website. Learned counsel, for the contentions raised above, submits that this case deserves to be dismissed and prayer is made so accordingly.

45. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record, the provisions of law to which this Court's attention was drawn and also the relevant decisions which were placed for the consideration of this Court.

46. Though a plethora of other contentions have been raised by both the parties with regard to the orders passed against the private schools, however, the facts in the present case boils down to the following issues which fall for consideration in the present writ petition :-



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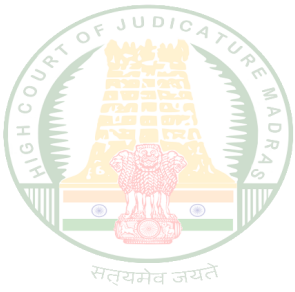
- i) *Whether private educations institutions would fall within the definition of 'public authority' as defined u/s 2 (h) of the RTI Act.*
- ii) *Whether the impugned order passed by the 3rd respondent directing enforcement of its directions could withstand the test under the provisions of the RTI Act.*
- iii) *Whether the consequential order passed by the 2nd respondent on the basis of the impugned order passed by the 3rd respondent could be sustained.*

ISSUE NO.1 :

Whether private educations institutions would fall within the definition of 'public authority' as defined u/s 2 (h) of the RTI Act.

47. Before advertng to the facts of the case and applying the provisions of law, it would be trite to refer to the objects and reasons for which the RTI Act was enacted, the preamble to which reads as under :-

"An Act to provide for setting out the practical regime of right to information for citizens to secure access to information



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under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

48. From the above, it would be evident that every public authority is required to maintain all its record duly catalogued and indexed in a manner and the form which facilitates the right to information and also ensure that all records



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that are necessary to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such record is facilitated. Public authority has also to carry out certain other functions also, as provided under the RTI Act.

49. The definition of 'public authority' occurring u/s 2 (h) of the RTI Act was considered by the Apex Court in ***Thalappalam Ser. Co-op. Bank Ltd. & Ors. – Vs – State of Kerala & Ors. (2013 (16) SCC 82)***, wherein the Apex Court dealt with the bodies/entities, which would fall within the definition of 'public authority' and in that context held thus :-

"26. The expression "public authority" is defined Under Section 2(h) of the RTI Act, which reads as follows:

2. Definitions. In this Act, unless the context otherwise requires:

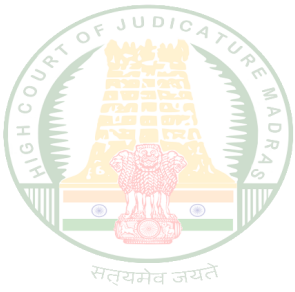
(h) "public authority" means any authority or body or institution of self-government established or constituted--

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate



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Government, and includes any--

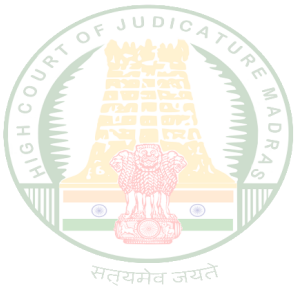
- (i) body owned, controlled or substantially financed;*
- (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.*

27. Legislature, in its wisdom, while defining the expression "public authority" Under Section 2(h), intended to embrace only those categories, which are specifically included, unless the context of the Act otherwise requires. Section 2(h) has used the expressions 'means' and 'includes'. When a word is defined to 'mean' something, the definition is prima facie restrictive and where the word is defined to 'include' some other thing, the definition is prima facie extensive. But when both the expressions "means" and "includes" are used, the categories mentioned there would exhaust themselves.

*Meanings of the expressions 'means' and 'includes' have been explained by this Court in **Delhi Development Authority v. Bhola Nath Sharma (Dead) by L.Rs. and Ors.** When such expressions are used, they may afford an exhaustive explanation of the meaning which for the purpose of the Act, must invariably be attached to those words and expressions.*

28. Section 2(h) exhausts the categories mentioned therein. The former part of 2(h) deals with:

- (1) an authority or body or institution of self-government established by or under the Constitution,*
- (2) an authority or body or institution of self-government established or constituted by any other law made by the Parliament,*



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(3) *an authority or body or institution of self-government established or constituted by any other law made by the State legislature, and*

(4) *an authority or body or institution of self-government established or constituted by notification issued or order made by the appropriate government.*

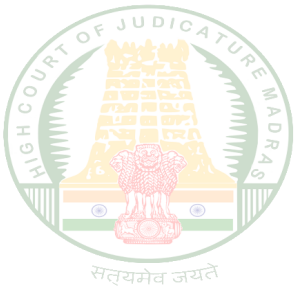
29. *Societies, with which we are concerned, admittedly, do not fall in the above mentioned categories, because none of them is either a body or institution of self-government, established or constituted under the Constitution, by law made by the Parliament, by law made by the State Legislature or by way of a notification issued or made by the appropriate government. Let us now examine whether they fall in the later part of Section 2(h) of the Act, which embraces within its fold:*

(5) *a body owned, controlled or substantially financed, directly or indirectly by funds provided by the appropriate government,*

(6) *non-governmental organizations substantially financed directly or indirectly by funds provided by the appropriate government.*

30. *The expression 'Appropriate Government' has also been defined Under Section 2(a) of the RTI Act, which reads as follows:*

2(a). *"appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly-*



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(i) by the Central Government or the Union territory administration, the Central Government;

(ii) by the State Government, the State Government.

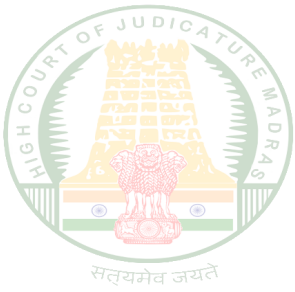
31 . The RTI Act, therefore, deals with bodies which are owned, controlled or substantially financed, directly or indirectly, by funds provided by the appropriate government and also non-government organizations substantially financed, directly or indirectly, by funds provided by the appropriate government, in the event of which they may fall within the definition of Section 2(h)(d)(i) or (ii) respectively. As already pointed out, a body, institution or an organization, which is neither a State within the meaning of Article 12 of the Constitution or instrumentalities, may still answer the definition of public authority Under Section 2(h)(d)(i) or (ii).

(a) Body owned by the appropriate government

A body owned by the appropriate government clearly falls Under Section 2(h)(d)(i) of the Act. A body owned, means to have a good legal title to it having the ultimate control over the affairs of that body, ownership takes in its fold control, finance etc. Further discussion of this concept is unnecessary because, admittedly, the societies in question are not owned by the appropriate government.

(b) Body Controlled by the Appropriate Government

A body which is controlled by the appropriate government can fall under the definition of public authority Under Section 2(h)(d)(i). Let us examine the meaning of the expression "controlled" in the context of RTI Act and not in the context of



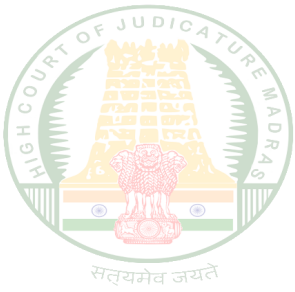
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*the expression "controlled" judicially interpreted while examining the scope of the expression "State" under Article 12 of the Constitution or in the context of maintainability of a writ against a body or authority under Article 226 of the Constitution of India. The word "control" or "controlled" has not been defined in the RTI Act, and hence, we have to understand the scope of the expression 'controlled' in the context of the words which exist prior and subsequent i.e. "body owned" and "substantially financed" respectively. The meaning of the word "control" has come up for consideration in several cases before this Court in different contexts. In **State of West Bengal and Anr. v. Nripendra Nath Bagchi (MANU/SC/0310/1965 : AIR 1966 SC 447)** while interpreting the scope of Article 235 of the Constitution of India, which confers control by the High Court over District Courts, this Court held that the word "control" includes the power to take disciplinary action and all other incidental or consequential steps to effectuate this end and made the following observations:*

The word 'control', as we have seen, was used for the first time in the Constitution and it is accompanied by the word 'vest' which is a strong word. It shows that the High Court is made the sole custodian of the control over the judiciary. Control, therefore, is not merely the power to arrange the day to day working of the court but contemplates disciplinary jurisdiction over the presiding Judge.... In our judgment, the control which is vested in the High Court is a complete control subject only to the power of the Governor in the matter of



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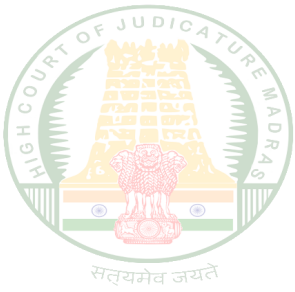
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appointment (including dismissal and removal) and posting and promotion of District Judges. Within the exercise of the control vested in the High Court, the High Court can hold enquiries, impose punishments other than dismissal or removal....

*32. The above position has been reiterated by this Court in **Chief Justice of Andhra Pradesh and Ors. v. L.V.A. Dixitulu and Ors. (MANU/SC/0416/1978 : (1979) 2 SCC 34. In Corporation of the City of Nagpur Civil Lines, Nagpur and Anr. v. Ramchandra and Ors. (MANU/SC/0419/1981 : (1981) 2 SCC 714)**, while interpreting the provisions of Section 59(3) of the City of Nagpur Corporation Act, 1948, this Court held as follows:*

4. It is thus now settled by this Court that the term "control" is of a very wide connotation and amplitude and includes a large variety of powers which are incidental or consequential to achieve the powers-vested in the authority concerned....

*33. The word "control" is also sometimes used synonyms with superintendence, management or authority to direct, restrict or regulate by a superior authority in exercise of its supervisory power. This Court in **The Shamrao Vithal Cooperative Bank Ltd. v. Kasargode Pandhuranga Mallya (MANU/SC/0728/1971 : (1972) 4 SCC 600)**, held that the word "control" does not comprehend within itself the adjudication of a claim made by a co-operative society against its members. The meaning of the word "control" has also been considered by this Court in **State of Mysore v. Allum Karibasappa and***



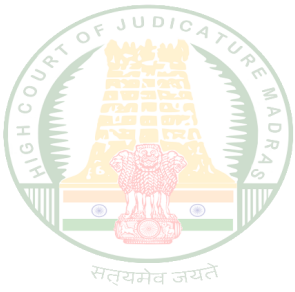
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Ors. (MANU/SC/0399/1974 : (1974) 2 SCC 498), while interpreting Section 54 of the Mysore Cooperative Societies Act, 1959 and Court held that the word "control" suggests check, restraint or influence and intended to regulate and hold in check and restraint from action. The expression "control" again came up for consideration before this Court in **Madan Mohan Choudhary v. State of Bihar and Ors. (MANU/SC/0105/1999 : (1999) 3 SCC 396)**, in the context of Article 235 of the Constitution and the Court held that the expression "control" includes disciplinary control, transfer, promotion, confirmation, including transfer of a District Judge or recall of a District Judge posted on ex-cadre post or on deputation or on administrative post etc. so also premature and compulsory retirement. Reference may also be made to few other judgments of this Court reported in **Gauhati High Court and Anr. v. Kuladhar Phukan and Anr. (MANU/SC/0236/2002 : (2002) 4 SCC 524)**, **State of Haryana v. Inder Prakash Anand HCS and Ors. (MANU/SC/0547/1976 : (1976) 2 SCC 977)**, **High Court of Judicature for Rajasthan v. Ramesh Chand Paliwal and Anr. (MANU/SC/0137/1998 : (1998) 3 SCC 72)**, **K anhaiya Lal Omar v. R.K. Trivedi and Ors. (MANU/SC/0170/1985 : (1985) 4 SCC 628)**, **T MA Pai Foundation and Ors. v. State of Karnataka (MANU/SC/0905/2002 : (2002) 8 SCC 481)**, **Ram Singh and Ors. v. Union Territory, Chandigarh and Ors. (MANU/SC/1154/2003 : (2004) 1 SCC 126)**, etc.

34. We are of the opinion that when we test the meaning of expression "controlled" which figures in between the words



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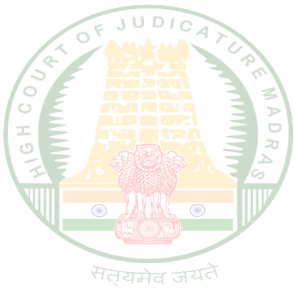


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"body owned" and "substantially financed", the control by the appropriate government must be a control of a substantial nature. The mere 'supervision' or 'Regulation' as such by a statute or otherwise of a body would not make that body a "public authority" within the meaning of Section 2(h)(d)(i) of the RTI Act. In other words just like a body owned or body substantially financed by the appropriate government, the control of the body by the appropriate government would also be substantial and not merely supervisory or regulatory. Powers exercised by the Registrar of Cooperative Societies and Ors. under the Cooperative Societies Act are only regulatory or supervisory in nature, which will not amount to dominating or interfering with the management or affairs of the society so as to be controlled. Management and control are statutorily conferred on the Management Committee or the Board of Directors of the Society by the respective Cooperative Societies Act and not on the authorities under the Co-operative Societies Act.

35. We are, therefore, of the view that the word "controlled" used in Section 2(h)(d)(i) of the Act has to be understood in the context in which it has been used vis-à-vis a body owned or substantially financed by the appropriate government, that is the control of the body is of such a degree which amounts to substantial control over the management and affairs of the body."

(Emphasis Supplied)



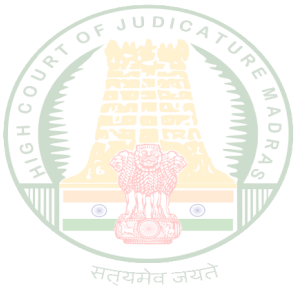
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50. The aforesaid view of the Apex Court was approved and considered further in the decision in **DAV College Trust & Management Society & Ors. – Vs – Director of Public Instructions & Ors. (2019 (9) SCC 185)**, wherein, it was held thus :-

“12. The next contention is that a public authority can only be an authority or body or institution which has been established or constituted (a) under the Constitution; (b) by any law of Parliament; (c) by any law of State Legislature or (d) by notification made by the appropriate Government. It is the contention of the Appellants that only those authorities, bodies or institutions of self-government which fall in these four categories can be covered under the definition of public authority. It is also contended that in the Thalappalam case (supra) the Court did not consider the effect of Clause (d) on the remaining portion of the definition.

13. On the other hand, on behalf of the Respondents it is urged that the reading of Section 2(h) clearly shows that in addition to the four categories referred to in the first part, there is an inclusive portion which includes (i) body owned, controlled or substantially financed; (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

14. The Section, no doubt, is unartistically worded and therefore, a duty is cast upon us to analyse the Section, find out its true meaning and interpret it in a manner which serves the purpose of the Act.



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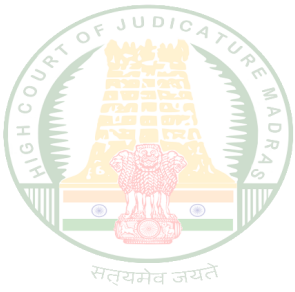
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15. *If we analyse Section 2(h) carefully it is obvious that the first part of Section 2(h) relates to authorities, bodies or institutions of self-government established or constituted (a) under the Constitution; (b) by any law of Parliament; (c) by any law of State Legislature or (d) by notification made by the appropriate Government. There is no dispute with regard to Clauses (a) to (c). As far as Clause (d) is concerned it was contended on behalf of the Appellants that unless a notification is issued notifying that an authority, body or institution of self-government is brought within the ambit of the Act, the said Act would not apply. We are not impressed with this argument. The notification contemplated in Clause (d) is a notification relating to the establishment or constitution of the body and has nothing to do with the Act. Any authority or body or institution of self-government, if established or constituted by a notification of the Central Government or a State Government, would be a public authority within the meaning of Clause (d) of Section 2(h) of the Act.*

16. *We must note that after the end of Clause (d) there is a comma and a big gap and then the definition goes on to say 'and includes any-' and thereafter the definition reads as:*

- (i) body owned, controlled or substantially financed;*
- (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;*

The words 'and includes any', in our considered view, expand the definition as compared to the first part. The second



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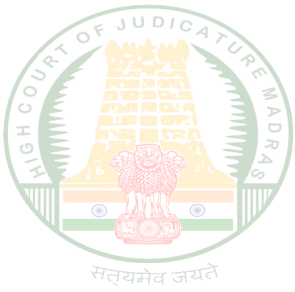
part of the definition is an inclusive Clause which indicates the intention of the Legislature to cover bodies other than those mentioned in Clauses (a) to (d) of Section 2(h).

17. We have no doubt in our mind that the bodies and NGOs mentioned in Sub-clauses (i) and (ii) in the second part of the definition are in addition to the four categories mentioned in Clauses (a) to (d). Clauses (a) to (d) cover only those bodies etc., which have been established or constituted in the four manners prescribed therein. By adding an inclusive Clause in the definition, Parliament intended to add two more categories, the first being in Sub-clause (i), which relates to bodies which are owned, controlled or substantially financed by the appropriate Government. These can be bodies which may not have been constituted by or under the Constitution, by an Act of Parliament or State Legislature or by a notification. Any body which is owned, controlled or substantially financed by the Government, would be a public authority.

18. As far as Sub-clause (ii) is concerned it deals with NGOs substantially financed by the appropriate Government. Obviously, such an NGO cannot be owned or controlled by the Government. Therefore, it is only the question of financing which is relevant.

19. Even in the Thalappalam case (supra) in para 32 of the judgment, this Court held that in addition to the four categories there would be two more categories, (5) and (6)."

(Emphasis Supplied)

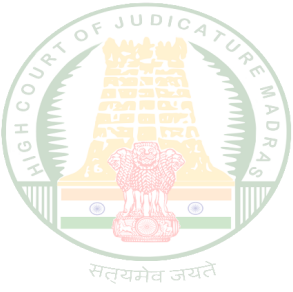


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51. From the ratio laid down by the Apex Court in the aforesaid decisions, it clearly transpires that for a entity/body to be attracted to the first part of Section 2 (h), the entity/body should be either an authority or body or institution of self-government established or constituted by any other law made by the Parliament or State Legislature or established or constituted by notification issued or order made by the appropriate Government; to attract the second part of the aforesaid definition, the body/entity should be owned, controlled, or substantially financed directly or indirectly by funds provided by the appropriate government or a non-governmental organization substantially financed directly or indirectly by the funds provided by the appropriate government.

52. It is also clear from the aforesaid definition that mere supervision or regulation as such by a statute or otherwise of a body would not make the body a public authority within the meaning of Section 2 (h)(d)(i) of the RTI Act. Therefore, the said body should not only be owned or substantially financed but also there should exists substantial control over the said body by the appropriate government and not merely supervisory or regulatory in nature, which alone would bring the body under the ambit of '*public authority*' as defined u/s 2 (h) of the RTI Act.



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53. In the present case, it is not in dispute that the petitioner, an association of private educational institutions, which is before this Court, is not an authority or body or institution of self-government established by or under the Constitution or by any other law made by the Parliament or State Legislature and not established or constituted by notification issued or order made by the appropriate Government to fall under the first part of Section 2 (h); further, the private educational institutions also do not fall under the second part of Section 2 (h) of the RTI Act, as the said institutions are neither directly or indirectly financed by the Government nor any substantial control other than supervisory or regulatory nature is wielded by the Government. Therefore, the petitioner would not fall within the ambit of Section 2 (h) of the RTI Act to be held as a 'public authority' and, thereby, amenable to the provisions of the RTI Act for parting with information through the orders of the 3rd and 2nd respondents.

54. Accordingly, this Court holds that private educational institutions, which are not owned or substantially financed by the appropriate government no control is wielded by the appropriate Government over the said private educational institutions, the said institutions would not fall within the ambit of



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सत्यमेव जयते **'public authority'** as defined u/s 2 (h) of the RTI Act. Issue No.1 is answered in

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the above terms.

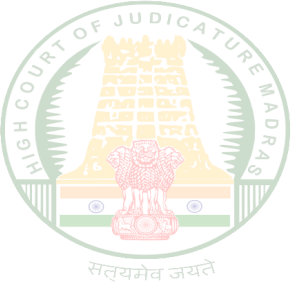
ISSUE NOS.2 & 3 :

Whether the impugned order passed by the 3rd respondent directing enforcement of its directions could withstand the test under the provisions of the RTI Act.

Whether the consequential order passed by the 2nd respondent on the basis of the impugned order passed by the 3rd respondent could be sustained.

Since issue Nos. 2 and 3 are interconnected, they are taken up together for consideration.

55. The 3rd respondent, vide the impugned order, though has issued a slew of directions to the educational authorities, who are public authorities under the Right to Information Act, however, had stepped up further and had directed the Chief Educational Officer, Coimbatore District, to call the Principal of all the Private Educational Institutions in Coimbatore District by exercising the power u/s 18 (3)(b) of the RTI Act and conduct an enquiry, further directed providing of the information sought for by the complainant before the 3rd respondent.

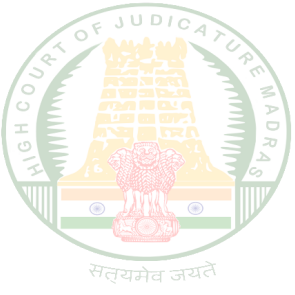


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56. In addition to the above, the 3rd respondent had further held as under:-

“தங்கள் அரசு அனைத்து தனியார் (மெட்ரிக்) பள்ளிகள், CBSE மற்றும் அரசு உதவி பெறும் பள்ளிகளின் முதல்வர்களுக்கும் பள்ளிகளில் நிர்ணயித்த கல்வி கட்டணத்தினை (Fee Structure) பொது மக்கள் பள்ளிகளின் நுழைவுவாயிலில் கேட்காமலேயே. பொதுமக்களின் பார்வைக்கு பள்ளியின் விளம்பரப் பலகையில் விளம்பரம் செய்தும், அனைத்து பள்ளிகளின் இணையதளங்களில் வெளியிடவும் மற்றும் மாணவர்களின் சேர்க்கைக்கு முன்னர் மற்றும் சேர்க்கையின் போது தரப்படும் விண்ணப்பப் படிவத்திலே வகுப்புவாரியாக கல்விக் கட்டணத்தினை அச்சடித்து வழங்குவதை அனைத்து தனியார் (மெட்ரிக்) பள்ளிகள், CBSE மற்றும் அரசு உதவி பெறும் பள்ளிகளுக்கும் கட்டாயமாக்கி. அவ்வாறு தமிழ்நாட்டில் உள்ள ஒவ்வொரு தனியார் மற்றும் அரசு நிதி பெறும் மெட்ரிக் மற்றும் CBSE பள்ளிகளின் விளம்பரப் பலகைகளில் தங்களுடைய கல்வி கட்டணத்தை வெளிப்படைத் தன்மையுடன் விளம்பரப்படுத்துகிறதா என்பதை உறுதி செய்யதகவல் பெறும் உரிமைச் சட்டம், 2005 பிரிவு 4(1)(b) என்ற பிரிவின் படி அனைத்து மாவட்ட முதன்மை கல்வி அலுவலர்களுக்கு உத்தரவிட்டு. மேற்படி மாவட்ட முதன்மை கல்வி அலுவலர்கள் அனைத்து தனியார் (மெட்ரிக்) பள்ளிகள், CBSE



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மற்றும் அரசு உதவி பெறும் பள்ளிகளை ஆய்வு செய்து மேற்படி கல்வி கட்டணம் தொடர்பான தகவல்கள் பொதுமக்கள் அறியும் வகையில் விளம்பரம் செய்யப்பட்டுள்ளதா என்பதை உறுதி செய்து மாவட்ட வாரியான அறிக்கையின் நகலினைப் பெற்று இவ்வாணையத்தில் 15.06.2026 அன்று நேரில் ஆஜராகி சமர்ப்பிக்குமாறு இவ்வழக்கின் தற்போதைய பொதுத் தகவல் அலுவலராக நியமிக்கப்பட்ட முனைவர்.S. சுகன்யா, இயக்குநர் (தனியார் பள்ளிகள்), பள்ளிக் கல்வித் துறை, சென்னை அவர்களுக்கு இவ்வாணையம் உத்தரவிடுகிறது.”

57. Through the aforesaid direction, the 3rd respondent, invoking Section 19 (8)(a)(ii) of the RTI Act, had directed the 2nd respondent to issue directions to the Principal of all the private, matriculation, CBSE and aided schools to display the fee structure fixed by the Fee Determination Committee at the entrance of the school and also to display the same in the website of the respective schools for the benefit of the general public, more especially parents of the children, who are studying and are in the look out for schools, even without their seeking the necessary information. Further, direction has also been given that while admission forms are provided, the schools shall provide the fee structure as an annexure to the admission form for the benefit of the parents. The 3rd



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respondent has further directed the respective District Educational Officers to ensure compliance of the aforesaid directions issued by the 3rd respondent with regard to display of the fee structure and the Chief Educational Officers of the respective Districts were directed to inspect as to whether the directions aforesaid have been complied with and the fee structures were displayed and file compliance report before the 3rd respondent.

58. The moot question that requires to be considered and tested is whether such sweeping directions relying upon Section 4 (1)(b) and 19 (8)(a)(ii) of the RTI Act could be passed by the 3rd respondent. For better understanding, Section 4 (1)(b) of the RTI Act are quoted hereunder :-

“4. Obligations of public authorities :-

(1) Every public authority shall

.....

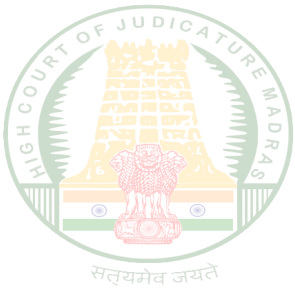
(b) publish within one hundred and twenty days from the enactment of this Act,—

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;



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(v) *the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;*

(vi) *a statement of the categories of documents that are held by it or under its control;*

(vii) *the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;*

(viii) *a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;*

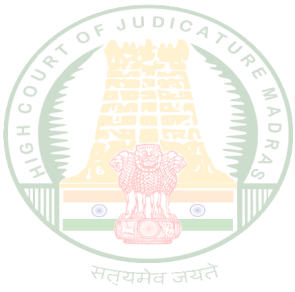
(ix) *a directory of its officers and employees;*

(x) *the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;*

(xi) *the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;*

(xii) *the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;*

(xiii) *particulars of recipients of concessions, permits or authorisations granted by it;*



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(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

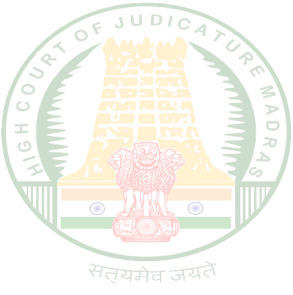
(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed; and thereafter update these publications every year;

c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

d) provide reasons for its administrative or quasi-judicial decisions to affected persons.”

59. Section 4 (1) is very clear, in that, it is only the public authorities, as defined u/s 2 (h) of the RTI Act, are alone mandated to comply with the aforesaid conditions stipulated u/s 4 (1) (b) and through an administrative caveat, the same cannot be extended to private educational institutions, which, by no stretch, could be said to be a public authority, as has already been held by this Court and, therefore, such a direction of a sweeping nature cannot be given u/s 4 (1)(b) of the RTI Act.

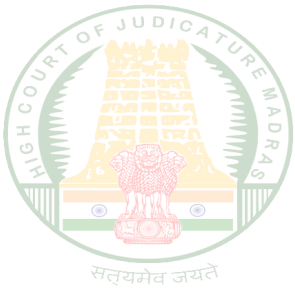


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60. Likewise u/s 19 (8)(a)(ii) of the RTI Act, power has been granted to the Central Information Commission/State Information Commission to appoint Central Public Information Officer or State Public Information Officer as the case may be. There could be no quarrel with the said power of the 3rd respondent. However, it has to be exercised in exceptional cases and only where a case warrants such invocation. In the present case, information, which was sought for by the complainant was not provided, which necessitated the 3rd respondent to appoint the Director of Private Schools as the State Public Information Officer for the purpose of providing the said information. Such an exercise of power is well within the domain of the 3rd respondent and the same could not be found fault with and, therefore, to that extent the said order does not suffer any infirmity.

61. Though there could be no explicit direction by the 3rd respondent through the 2nd respondent to the private educational institutions to provide the information to the parties, who seek information under the RTI Act, however, it is not as if the act of the 3rd respondent to provide the information or rather to keep the parents of the students informed of the fee structure is not backed by any statute.



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62. The private schools are governed by the Private Schools Act and the Rules framed thereunder. Chapter II of the Private Schools Act deals with the power to regulate school education while Chapter VI deals with control of private school. Section 32 of the Private Schools Act speaks of fees and other charges, which is as under :-

“32. Fees and other charges :- (1) *Subject to the provisions of sub-section (2), no private school shall levy any fee or collect any other charge or receive any other payment except a fee, charge or payment specified by the competent authority.*

(2) *Every private school in existence on the date of the commencement of this Act and levying different rates of fees or other charges or receiving any other amount on such date, shall obtain the prior approval of the competent authority before continuing to levy such fees or charges or receive such payment.”*

63. Sub-section (2) of Section 32 of the Private Schools Act clearly specifies the manner in which fees or charges have to be levied by the different private schools and before such levy is made, approval of the competent authority is to be obtained. Therefore, the fees or other charges, prior to the coming into existence of the Fee Determination Committee, was approved by the competent



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authority and the said fees was very much within the knowledge of the competent authority.

64. Since there was varying fees collected by the various private schools, the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (Act 22 of 2009) was enacted to provide for a structured fee fixation for any standard or course of study in a private school. Section 3 (2) of Act 22 of 2009 prescribes as under :-

“Prohibition of collection of excess fee :-

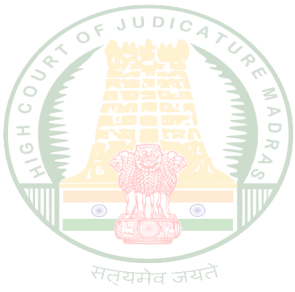
.....

(2) No fee in excess of the fee determined by the committee under this Act shall be collected for admission of pupils to any Standard or course of study in a private school,-

(a) by any person who is in charge of, or is responsible for, the management of such private school; or

(b) by any other person either for himself or on behalf of such private school or on behalf of the management of such private school.

(3) The fee collected by any school affiliated to the Central Board of Secondary Education shall commensurate with the facilities provided by the school.”



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65. Therefore, no private school is to collect any fee in excess of what is determined by the Committee under Act 22 of 2009. Further, the powers and functions of the committee is provided for u/s 7 and sub-section (2) therein, it mandates that *each private school to place before the committee the proposed fee structure of such school with all relevant documents and books of accounts for scrutiny within such date as may be specified by the committee*” if any complaint is raised with regard to levy of fee other than what is fixed by the committee.

66. It is the specific case of the 2nd respondent that the fees fixed for the private schools by the Fee Determination Committee is hosted in the website of the committee. Therefore, what is fixed and what is to be charged by each and every private school is already available in the website of the committee and no private school is permitted to collect any fee over and above what has been determined and fixed by the Committee.

67. The Private Schools Act is a piece of legislation enacted to regulate and monitor the acts of the private schools. Section 57 of the Private Schools Act confers power on the Government to make Rules. In exercise of powers conferred u/s 57 of the Private Schools Act, the Tamil Nadu Private Schools



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(Regulation) Rules, 2023 (for short 'the Rules') have been framed. Rule 17 of the Rules relates to Regulation of Admission. Sub-rule (3) of Rule 17 provides every private school to host certain details spelt for under the said rule in the website and notice board and for better appreciation, the same is quoted hereunder :-

"17. Regulation of Admission :-

.....

(3) Every private school shall display on the notice board or host on the website, the details of the infrastructure available, staff strength, pupils strength, seats available for each standard-medium-wise including seats for children belonging to disadvantaged group and weaker section as required under clause (c) of sub-section (1) of Section 12 of the Central Act 35 of 2009, fees fixed and other facilities available if any. The details so displayed shall be updated on the notice board and on the website by the private school one month before the commencement of every academic year."

68. Rule 17 (3) mandates every school to display on the notice board or host on the website, the details of the infrastructure available, staff strength, pupils strength, seats available for each standard-medium-wise including seats for children belonging to disadvantaged group and weaker section as required under clause (c) of sub-section (1) of Section 12 of the Central Act 35 of 2009, fees fixed and other facilities available if any and that the same shall be updated



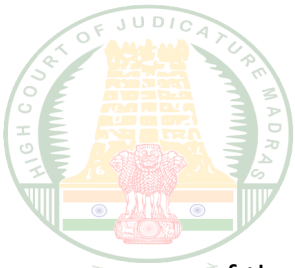
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on the notice board and on the website by the private school one month before the commencement of every academic year. By the said rule, the private schools have been mandated to display the fees fixed both on the notice board and on the website one month before the commencement of every academic year.

69. When a mandate is cast on the private schools to display the fees fixed both on the notice board and on the website, the private schools cannot abdicate its responsibility and try to wriggle out of its commitment to the society that its is not a public authority and, therefore, information as to fees cannot be directed to be displayed by the 2nd respondent. When the private schools are bound by the Rules, necessarily it is the duty of the competent authority to see to it that the mandate cast under the Rules are adhered to in letter and spirit.

70. Further, as already stated above, the fees fixed by the Fee Determination Committee is published in the website of the committee and that the private schools cannot charge any fees beyond what has been fixed by the Fee Determination Committee. Such being the case, the fixation of fees already being displayed in the website of the Fee Determination Committee, the display



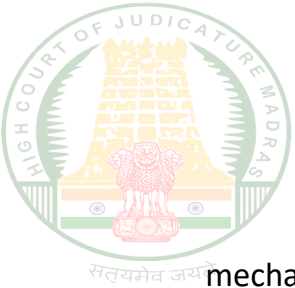
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of the fee structure in the notice board and website of the school cannot be said to be beyond the jurisdiction of the 2nd respondent.

71. In the backdrop of the aforesaid scenario, this Court having already held that the private educational institutions, which are neither substantially financed nor controlled by the State/Central Government will not fall within the ambit of '*public authority*' as defined u/s 2 (h) of the RTI Act, the direction of the 3rd respondent calling upon the 2nd respondent to take action to have the fee structure displayed at the entrance of the schools would be an act beyond the jurisdiction of the 3rd respondent, as the 3rd respondent cannot give any direction of such a nature to the private educational institutions to display the fee structure at the entrance of the schools. Therefore, the direction of the 3rd respondent through the impugned order resulting in the issuance of the impugned circular by the 2nd respondent would not stand the test of legal scrutiny.

72. Nevertheless, it is to be pointed out that even if the said direction is beyond the competence of the 3rd respondent, the regulation of all the activities relating to private educational institutions being within the regulatory



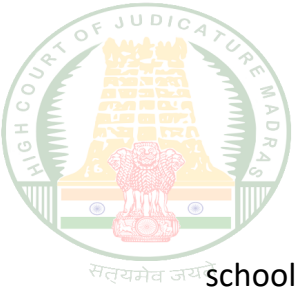
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mechanism devised under the Private Schools Act, it becomes incumbent on the private schools, which is neither substantially financed nor controlled by the Central/State Government, to display the fee structure as mandated u/s 17 (3) of the Rules, as the fee is not only determined by the Fee Determination Committee, but is also displayed in the website of the Committee and is already available in the public domain.

73. Further, not only the fees determined by the Fee Determination Committee, but also all other fees, which are levied by the private schools on its students are to be tabled before the competent authority and approval of the said fees to be obtained u/s 32 of the Private Schools Act. Such being the case, the competent authority under the Private Schools Act would very much be within the knowledge of the fees, which is leviable on a student by a private school, as certain portion of the fees is determined and certain portion of the fees is approved before the same is levied.

74. In such a backdrop, though the 3rd respondent may have passed the order beyond its jurisdiction, nevertheless, when Rule 17 (3) provides for the display of the fee structure in the notice board and website of the private



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schools, which is to be followed by the private schools and monitored by the 2nd respondent, the circular issued by the 2nd respondent cannot be said to be impermissible, merely because it is on the basis of the directions issued by the 3rd respondent, as the 2nd respondent, independent of the said impugned order, draws power from Rule 17 (3) to mandate the display of the fee structure in the notice board and website in accordance with the provisions of the Private Schools Act. Therefore, the said circular being very much within the statutory framework of the Rules and the 2nd respondent holding the regulatory and supervisory jurisdiction is bound to ensure that Rule 17 (3) is followed by the private schools in letter and spirit.

75. However, it should not be lost sight of that the parents, who want to admit their kids in the school of a good choice in order to secure their future should also be provided with the details as to the fees payable so as to enable them decide on admitting their kids in the said school, as their purse should not burn which would have a detrimental effect on the household. Only with a view to allow the parents to decide effectively and plan the future of their child, Rule 17 (3) of the Rules plays a pivotal role in such decision making process. Rule 17 (3) is a benevolent provision not only in regulating and supervising the



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activities of the private schools, but also helps the parents in deciding the further course of action for their kids to get standardised education without burning their pockets. Therefore, as already held above, the display of fees being within the statutory framework, which stems from Section 17 (3) of the Rules, a duty is cast on the private schools to display the fees in the notice board and the website of the concerned schools and the regulation of the same is within the jurisdiction of the 2nd respondent, necessarily the 2nd respondent is bound to monitor as to whether Rule 17 (3) is complied with.

76. Therefore, the aforesaid direction of the 3rd respondent would not act as an embargo for the 2nd respondent to issue the circular. However, notwithstanding the same, there would be no embargo for this Court to pass orders directing display of the fee structure while sitting under Article 226 of the Constitution, as this Court is clothed with extraordinary powers to see that the statutory mandate made under the Rules is complied.

77. Therefore, as mandated u/r 17 (3), this Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution directs the private schools to display the fee structure fixed by the Fee Determination Committee as

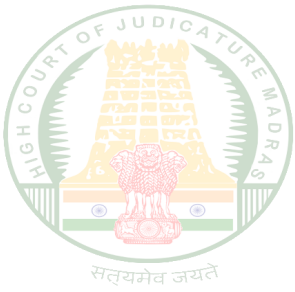


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also the other fees, which have been approved by the competent authority in terms of Section 32 of the Private Schools Act in the notice board and website of the respective private schools and the same shall be updated by the private schools one month before the commencement of every academic year. **Issue Nos. 2 and 3 are answered in the aforesaid terms.**

78. It is further to be noted that for non-compliance of the provisions of the RTI Act, the 3rd respondent has invoked its power u/s 20 to levy penalty on the authorities while also ordering payment of compensation to the complainant. Section 20 of the RTI Act, which gives power to the 3rd respondent to impose penalty clearly stipulates that where the Central Public Information Officer or the State Public Information Officer has, without any reasonable cause refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, shall be levied with penalty.



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79. In the present case, the details sought for with regard to the fee structure was not available with the 2nd respondent or the authorities under the 2nd respondent, but was only available with the private schools. Though Rule 17 (3) stipulates display of the fee structure, however, it is not clear whether the private schools were complying with the mandate. In the absence of compliance, the 2nd respondent would not be in possession of the information and the only manner in which the said information would be available is through Rule 17 (3). When such information is not available with the 2nd respondent or its officials, mulcting the officials of the 2nd respondent by holding that they have not provided the information sought for by the complainant is arbitrary and unjust. Further, except for saying that the information has not been provided, the 3rd respondent has not stated how the penalty stands attracted, as the infraction for attracting the penalty has not been explicitly stated. Though no separate petition has been filed by the 2nd respondent or the officials of the 2nd respondent, however, the same would not stand in the way of the court setting aside the said portion of the direction also, as the petitioner has, through this present petition, espoused the cause of the officials as well and this Court, exercising its extraordinary powers, could correct the wrong that has been caused. Therefore,



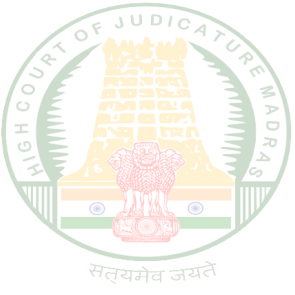
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this Court holds that the penalty imposed by the 3rd respondent on the officials of the 2nd respondents cannot be sustained and the same deserves to be set aside.

80. In fine, this writ petition is disposed of in the following terms :-

- i) The portion of the impugned order passed by the 3rd respondent imposing penalty on the officials of the 2nd respondent and ordering compensation to the complainant is set aside.
- ii) The order of the 3rd respondent directing the 2nd respondent to ensure display of fee structure at the entrance of the school and report compliance thereof is modified and this Court, invoking its extraordinary jurisdiction under Article 226 of the Constitution directs the 2nd respondent to ensure display of fee structure on the notice board and website of the respective school by invoking its regulatory power u/r 17 (3) by all the private schools as spelt out in the preceding para Nos.71 to 79 and, therefore, the private schools coming within the aegis of the petitioner as also the other private schools



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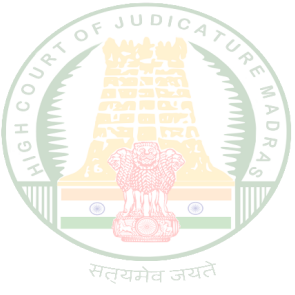
which are recognised under the Private Schools Act are directed to display the fee fixed by the Fee Determination Committee as also the other fees, which have been approved by the competent authority in terms of Section 32 of the Private Schools Act in the notice board and website of the respective private schools and the same shall be updated by the private schools one month before the commencement of every academic year.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

08.07.2026

Index : Yes / No

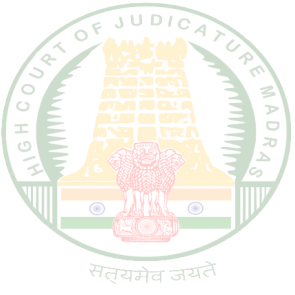
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To

1. The Principal Secretary to Govt.
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Director of Private Schools
Tamil Nadu Private Schools Directorate
DPI Campus, College Road
Chennai 600 006.
3. The State Chief Information Commissioner
Tamil Nadu Information Commission
Block No.19, Government Farm House
Pen Bed, Nandanam, Chennai 600 035.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NO. 21240 OF 2026**

**Pronounced on
08.07.2026**