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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.17095 of 2018

Dr.P.R.Subaschadran

.. Petitioner

Vs

- 1 State of Tamil Nadu
Rep by its Chief Secretary
Government of TamilNadu
Fort St.George, Chennai-600 009.
- 2 The Principal Secretary to Government
School Education Department
Government of TamilNadu
Fort St.George, Chennai-600 009.
- 3 The Director of Elementary Education
DPI Campus, Chennai - 600 006.
- 4 The Director of Elementary Education
DPI Campus, Chennai - 600 006.
- 5 The Director of Matriculation Schools
DPI Campus, Chennai-600 006.



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6 The Director, State Council for Educational Research and Training, DPI Campus, Chennai - 600 006.

7 The Director of Non-formal & Adult Education
DPI Campus, Chennai - 600 006.

8 The Chairman, Teacher Recruitment Board
DPI Campus, Chennai - 600 006.

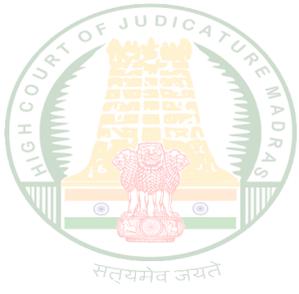
9 The Central Board of Secondary Education
Through its Regional Officer
J-Block, Anna Nagar, Chennai-40.
(R9-Suo Motu impleaded as per order
dated 09.07.2018)

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the appropriate respondents to frame a set of guidelines, rules or procedures for the proper instruction of physical education in public and private schools with adequate infrastructure facilities for physical education of school children, including playground/gym, etc.

For the Petitioner : Dr.P.R.Subaschandran
Party-in-Person

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 7



ORDER

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The writ petition, in public interest, has been filed to direct the respondent authorities to frame guidelines, rules or procedures for proper instruction of physical education in all the public and private schools with requisite infrastructure for physical education, including playground, gym, etc.

2. The petitioner, appearing in person, emphasizing the significance of physical education as a pivotal tool for a comprehensive development of personality, submitted that the government has not paid requisite attention to physical education as a subject in schools, which resulted in inadequate infrastructure in schools and lack of physical education teachers. Referring to a newspaper report stating that only 40 of 9000 schools in Tamil Nadu hire a physical education teacher, it is submitted that such sorry state of affairs in the schools is due to the poor planning and lack of vision of the successive governments in the State.



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3. It is further submitted that schools without proper infrastructure are permitted to run in violation of the Affiliation Bye-Laws of the Central Board of Secondary Education and the provisions governing the private schools in the State of Tamil Nadu and the government should ensure that strict action is taken against the schools which are not adhering to the statutory requirement.

4. Learned State Government Pleader appearing on behalf of respondents 1 to 7 submitted a status report which reveals that out of 1434 schools in Chennai District, 367 schools do not have playgrounds and these schools are utilizing the public grounds/ Corporation/Municipality playgrounds after obtaining requisite permission from the authorities. It is further submitted that physical education is made compulsory in all schools; periods are allotted in the time table; and, classes are conducted. It is also submitted that periodic monitoring of the facilities is being undertaken by the officials concerned. He assures that the respondent authorities would take earnest efforts to ensure that



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physical education is given equal importance as other subjects and classes would be conducted encouraging physical activity.

5. We have heard learned counsel on either side and perused the documents available on record.

6. A perusal of G.O.(2D) No.48, School Education (X2) Department, dated 21.7.2004 shows that one of the recommendations of the Committee constituted to study the infrastructural facilities for Matriculation Schools and Matriculation Higher Secondary Schools is as under:

"Playgrounds:

Adequate playground should be provided as part of the school complex or very close to the school. In Corporation or Municipal areas, managements may secure permission to use corporation or other playgrounds."

7. The Affiliation Bye-Laws of the Central Board of Secondary Education qua "*physical infrastructure*" under Chapter 4 mandates



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"4.7.8. The School should have adequate facilities for providing recreation activities and physical education as well as for conduct of various activities and programs for developmental education and for the social, cultural and moral development of the students and for safeguarding their health.

4.7.9. Playground: Adequate ground to create outdoor facilities for at least 200 meter Athletics Track, Facilities for Kabbadi, Kho-Kho, Volleyball, Basketball, etc."

8. The Tamil Nadu Private Schools (Regulation) Act, 2018 also mandates that for grant of certificate of recognition, one of the factors to be considered is the extent of playground available to the pupil and the adequacy of the playground with reference to the strength of the pupil in the school. Similar provision also exists in the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974.



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9. The significance of physical activities and sports infrastructure has also been emphasised in the Right of Children to Free and Compulsory Education Act, 2009.

10. At this juncture, it needs to be emphasised that sports and physical activities are integral to education and, therefore, infrastructure for sports is indispensable. Physical activity enhances the physical and mental strength of the student, apart from developing comradeship, instilling discipline and imbibing leadership qualities. The essence of physical education is overall development of the personality and spirit of a student. If such is the essence of sports, how can playgrounds be dispensed with in schools.

11. In such view of the matter, we dispose of the writ petition with a direction to the respondent authorities to ensure that the provisions of the law governing the particular schools – whether CBSE or Matriculation or State Board, are implemented *stricto sensu*. Wherever the school is not having adequate sports



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infrastructure, the public grounds of Municipality/ Corporation should be utilized after obtaining requisite permission. The Government on receipt of requests from schools not having playground, should consider such requests keeping in mind the interest of the students as also the significance of physical education. In any event, periodic inspection should be conducted by the authorities to ensure that physical education is given equal importance as other subjects.

12. Accordingly, the respondents are directed to ensure compliance of the provisions of law and the mandate of G.O.(2D) No.48, School Education (X2) Department, dated 21.7.2004, because even as per the status report submitted by the respondents, a large number of schools in the city of Chennai do not have playground and no data has been furnished about the availability or utilizing of nearby public grounds/Corporation/ Municipality playgrounds. The mandate of the government order and the provisions of law should not remain a paper tiger. It is more so when the significance of the physical activity and sports

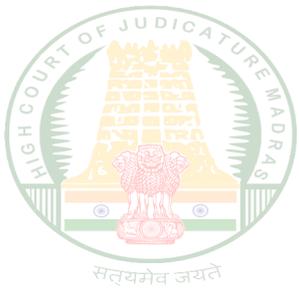


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infrastructure has been emphasized even under the Right of Children to Free and Compulsory Education Act, 2009.

13. We, therefore, direct the government to constitute a Committee to monitor and ensure that physical education is given its due importance and requisite infrastructure in all the schools is made available. The Committee shall be headed by the Secretary to the Government, School Education Department, and it shall be constituted by the Government within one month from the date of receipt of a copy of this order. The Committee shall thereupon undertake the exercise of identifying the schools not having requisite infrastructure for imparting physical education and ensure that physical education is provided by all the schools in the State of Tamil Nadu. To undertake the aforesaid exercise, the Committee shall utilize the experience of the petitioner, appearing in person, and he shall also be associated with the Committee. The Committee would submit its first report within three months of its constitution with follow-up action.



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There will be no order as to costs.

(M.N.B., CJ.) (N.M., J.)
30.08.2022

Index : Yes/No

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To:

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- 9 The Regional Officer
Central Board of Secondary Education



J-Block, Anna Nagar, Chennai-40.

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VERDICTUM.IN



W.P.No.17095 of 2018

THE HON'BLE CHIEF JUSTICE
AND
N.MALA, J.

(sasi)

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