

WA(MD)No.167 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2026

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**WA(MD)No.167 of 2026
and CMP(MD) No.1750 of 2026**

1. The Secretary to Government,
Government of India
Ministry of Personnel
Public Grievances and Pensions
Department of Personnel and Training
North Block New Delhi 110 001.

2. The Secretary
Ministry of Human Resource Development
Government of India
Shastri Bhawan New Delhi.

3. The Secretary
Ministry of Higher Education
Government of India
302C Shastri Bhawan
New Delhi.

4. The Secretary
Sainik School Society
New Delhi - 11.

Appellants

Vs



WA(MD)No.167 of 2026

WEB COPY

1. Mohandoss,
S/o. Nagarethinam
No. 168 Palayamkottai
Onthampatti Trichy District.

2. The Chairman
National Testing Agency
Okla Industrial Estate
New Delhi.

... Respondents

PRAYER :-Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order made in WP(MD). No.26623 of 2024 dated 14.07.2025.

For Appellants : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by Mr.K.Govindarajan
Deputy Solicitor General

For Respondents : Mr.T.A.Ebenezer for R1
Mr.P.Karthick for R2

JUDGMENT

(Judgment of the Court was delivered by Dr.G.JAYACHANDRAN, J.)

One Mr.Mohandoss, father of Minor M.Harsith has filed a writ petition with omnibus prayer, which states as follows:

“Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Reservation Criteria of the Sainik



WEB COPY

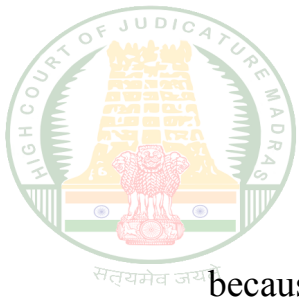


WA(MD)No.167 of 2026

Schools issued in Para 6.2 and Appendix V of the Information Bulletin for the All India Sainik Schools Entrance Examination - 2024 issued by the 2nd respondent and quash the same and consequent direction may be issued to the respondents to include reservation for Economic Weaker Section (EWS) as provided under the Constitution (One Hundred and Third Amendment) Act, 2019 in Sainik Schools Admission Reservation Criteria from All India Sainik Schools Entrance Examination – 2025”.

2. The case of the writ petitioner is that he belongs to Hindu Reddy Ganjam Community notified as Most Backward Class in the State list but not included in the Central list of Other Backward Classes (OBC). Claiming that his son is entitled to get admission in the Sainik Schools under the Economically Weaker Section Category, he has filed the said writ petition.

3. The learned Single Judge has allowed the writ petition stating that the petitioner's son is entitled to admission during the academic year 2025-26 in the respondent Sainik Schools and the same cannot be denied



WA(MD)No.167 of 2026

WEB COPY

because of the lapse of time for admission at the respondent school. The learned Judge has further stated that the Office Memorandum dated 17.01.2019 issued by the Ministry of Social Justice and Empowerment Department, Department of Social Justice and Empowerment, New Delhi, has to be strictly implemented and the son of the writ petitioner must be accommodated under the Economically Weaker Section category.

4. The respondents, being aggrieved by the said order, is before this Court by filing the intra Court appeal.

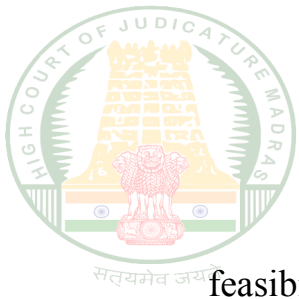
5. The learned Additional Solicitor General would submit that the composite reading of the amendment to the Indian Constitution to Articles 15 and 16 by introducing 15(6) and 16(6) by way of 103rd amendment to the Indian Constitution with effect from 14.01.2019 shall enable the State from making provision for reservation in the matter of promotion, appointment and admission in educational institutions to the Economically Weaker Section, which are not adequately represented. Pursuant to this amendment, Human Resources Development Department of Higher Education has issued official memorandum dated 17.01.2019



WA(MD)No.167 of 2026

WEB COPY

recommending reservation for economically weaker section for admission in Central Educational Institutions. This is only a recommendatory process, which requires further collection of data to identify economically weaker section to extend the benefit of reservation to candidates, who are not provided with any reservation in the existing scheme of admission in the educational institutions. Further the official memorandum issued by the Social Justice and Empowerment instructing Department of Personnel and Training (DoPT) and Ministry of Human Resources Department to provide reservation in employment and admission to educational institutions is meant only for higher education and not for admission in Sainik Schools or other schools providing school education and higher secondary education. He further submitted that the learned Single Judge has misinterpreted the amendment to the Constitution, which is an enabling provision and has directed the respondents to accommodate the son of the writ petitioner's under the economically weaker section category when there is no provision for economically weaker section category/quota. The amendment followed by official memorandum issued by the Ministry of Human Resources are only recommendatory in nature and for implementation, the viability,



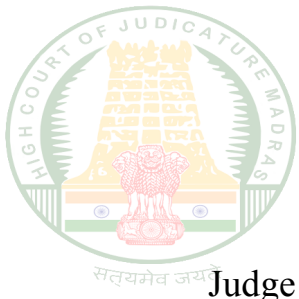
WA(MD)No.167 of 2026

WEB COPY

feasibility and necessity has to be examined. Before collecting quantifiable data, the respondents cannot be compelled to accommodate the son of the writ petitioner under the non existing economically weaker section quota.

6. Relying upon the dictum laid down by the Hon'ble Supreme Court in ***M.Nagaraj v. Union of India*** reported in ***2006 (8) SCC 212*** at Paragraph 123, the learned Additional Solicitor General would submit that the learned Single Judge has ill-conceived the amendment to the Constitution, Official Memorandum dated 17.01.2019 and the provisions of Right to Education Act. Yet another ground raised by the learned Additional Solicitor General is that the son of the petitioner has been accommodated in the Sainik School on his own merit and therefore, the writ petition filed with *omni bus* prayer in the nature of writ of mandamus ought not to have been entertained.

7. The learned counsel for the respondent/writ petitioner admits that the writ petitioner's son has been accommodated in the Sainik Schools for the year 2025-26. However, the order of the learned Single

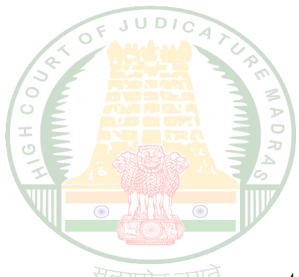


WA(MD)No.167 of 2026

WEB COPY

Judge to be implemented for the subsequent years and to all candidates, who would fall under Economically Weaker Sections category. He would also submit that the second son of the writ petitioner has applied for a seat in Sainik Schools and awaiting results and he will be getting seat if the dictum laid down in the writ petition under challenge is applied.

8. On considering the rival submission and examining the spirit of the Constitutional amendment brought into force by introducing Articles 15(6) and 16(6), we agree with the arguments placed by the learned Additional Solicitor General that these amendments were brought into the Constitution to enable the State to provide reservation for the advancement of economically weaker section of the citizens other than the clauses mentioned in Clauses 4 and 5 of Article 15. It is open to the State to make necessary provision in the respective Rules to accommodate persons of economically weaker sections, who are not provided with any protective discrimination in the existing scheme of employment or admission in Institutions. As held by the Hon'ble Supreme Court in *Indra Swahney etc Vs. Union of India & Ors.*,

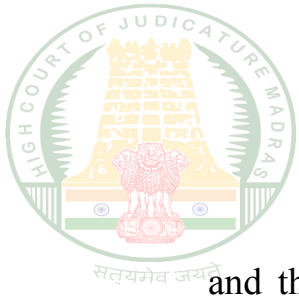


WA(MD)No.167 of 2026

WEB COPY

reported in *AIR 1993 SC 477* as well as *M.Nagaraj's* case (*supra*), reservation either on the social criteria or economical criteria may not exceed the permissible limit and even it be exceeded, the same should be supported by quantifiable data.

9. Insofar as economically weaker section being a category by itself, it is for the State to take a policy decision as to what should be the threshold to identify economically weaker sections. One cannot get confused with the criteria laid by the Department of Personnel and Training (DoPT) fixing the limit for identifying creamy layer with that of identifying economically weaker sections. Both expressions connote different meaning as long as the States have not fixed the threshold for economically weaker sections after collecting quantifiable data, the Court cannot create an illusory quota of economically weaker sections and direct the Institutions to accommodate candidates under the said quota. If this is permitted, candidates from other open category will be grossly affected. Hence, we set aside the order of the learned Single Judge and allow the writ appeal. We are conscious of the fact that the son of the respondent herein has already been accommodated in the Sainik School



WA(MD)No.167 of 2026

WEB COPY

and therefore, even iota of cause of action, which was available while filing the writ petition does not survive after admission in the Sainik Schools. Even on that ground, the writ petition is bound to be dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

(G.J, J.) (K.K.R.K, J.)
18.02.2026

NCC : Yes/No
Index : Yes/No
RR



WEB COPY



WA(MD)No.167 of 2026

DR.G.JAYACHANDRAN, J
and
K.K.RAMAKRISHNAN, J.

RR

Order made in
WA(MD)No.167 of 2026

DATED : 18.02.2026