

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.21572 OF 2014

AND M.P.NO.1 OF 2014

The Tamil Nadu Unaided Polytechnic Management Association,
(Reg.No.340/1997),
Rep. by its President Thiru.S.Selvamani,
No.793, Nehruji Road, (Indian Bank Building III Floor),
Post Box No.34,
Villupuram - 605 602.

.. Petitioner

Versus

1. The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Department of Higher Education,
Govt. of Tamil Nadu, Fort St. George,
Chennai - 600 009.
3. The Commissioner of Technical Education
Directorate of Technical Education,
Govt. of Tamil Nadu, Guindy, Chennai.
4. The Commissioner,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent to suitably revise the applicability of the G.O.Ms.No.92, Adi Dravidar and Tribal Welfare Department, dated 11.09.2012 insofar as Polytechnic Colleges are concerned by considering the petitioner's representation dated 22.05.2014 in light of the order passed in W.P.No.11074 of 2014 dated 28.04.2014 so as to enable the first and fourth respondent department to reimburse existing fee of Rs.30,000/- for each students fixed in consonance

with G.O.Ms.No.21, dated 13.02.2003 for the academic years 2012-2013 and 2013-2014 until the proper fees is fixed by the government by forming mandatory fee committee for Polytechnic colleges.

For Petitioner : Mr.E.Vijay Anand

For Respondents: Mr.P.Sanjay Gandhi
Additional Govt. Pleader

O R D E R

Heard Mr.E.Vijay Anand, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents.

2. The petitioner is an Association called 'the Tamil Nadu Unaided Polytechnic Management Association' and they have filed this writ petition seeking for a direction upon the respondents to suitably revise the applicability of G.O.Ms.No.92, Adi Dravidar and Tribal Welfare Department, dated 11.09.2012 insofar as Polytechnic Colleges are concerned by considering their representation dated 22.05.2014.

3. The grievance of the members of the petitioner association is that during 2002, the Government of Tamil Nadu in G.O.Ms.No.218 fixed the fee structure for the self-finance (unaided) polytechnic colleges. As per fee structure, for the free seat total fee is Rs.6500/- and for payment seat, it is Rs.21,700/-. It appears that the institutions through their association/the petitioner herein requested for an upward revision of the fee structure. After the decision of the Hon'ble Supreme Court in the case of TMA Pai Foundation Vs. State of Karnataka, (2002) 8 SCC 481, the Government took note of the submissions of the petitioner association and the decision of the Hon'ble Supreme Court cited supra and passed a revised G.O.Ms.No.21, Higher Education Department, dated 13.02.2003. It is submitted that by virtue of G.O.Ms.No.21, the G.O.Ms.No.218, dated 24.06.2002 stood revised, wherein, the Government examined the views expressed by the unaided professional institutions and advised the management to consider fixing the fee as Rs.30,000/- p.a. and further advised that meritorious students selected through Single Window System be given concession of Rs.5,000/- in the rate of fee.

4. According to the petitioner association, they have been collecting fees at the rates advised by the Government vide G.O.Ms.No.21. Meanwhile, the Adi Dravidar and Tribal Welfare Department, namely, the first respondent passed G.O.Ms.No.92, dated 11.09.2012 wherein a policy decision was taken for reimbursement of fees to the institutions in respect of the students belonging to Adi Dravidar (SC/SCA/ST/SCC) community and the institutions have been

requested not to collect any fee from the students. The petitioner asserted that the said G.O. was implemented and the reimbursement was granted, but at the rate fixed vide G.O.Ms.No.218 in the year 2002 and not as per the advise rendered by the Government in G.O.Ms.No.21, dated 13.02.2003. Therefore, the petitioner submitted a representation and since it was not considered, they are before this Court.

5. The respondents have filed counter-affidavit and the additional counter-affidavit. The need to file additional counter-affidavit arose in the light of G.O.Ms.No.191, Higher Education Department, dated 18.11.2014, by which, the Government has authorised the State Level Committee constituted to look after the issues relating to the revision of fee chargeable by Self Financing Technical institutions as per the AICTE procedures, to also fix Fees to the Diploma Courts in the Self-Financing Polytechnic Colleges. The Hon'ble Mr.Justice N.V.Balasubramanian has been appointed as the Chairman of the Committee. It is stated on behalf of the first respondent in the counter-affidavits that the first respondent/Adi Dravidar and Tribal Welfare Department is ready to comply with the recommendations if any regarding fixation of fee by the Committee, now constituted by the Government.

6. It may be true that the grievance expressed by the petitioner association may not be relating to fixation of fee for the current session of the academic year. But nevertheless, it is relating to the issue with regard to the fee structure and reimbursement. Therefore, this Court is of the considered view that the petitioner association has to necessarily approach the State Level Committee now constituted by the Government.

7. Accordingly, the writ petition is disposed of granting liberty to the petitioner association to submit a representation to the Committee headed by Hon'ble Mr.Justice N.V.Balasubramanian along with a copy of this order and if such application is filed, the Hon'ble Committee may consider the grievance expressed by the petitioner association, after hearing the association as well as the Adi Dravidar and Tribal Welfare Department and pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gg

To

1. The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Department of Higher Education,
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The Commissioner of Technical Education
Directorate of Technical Education,
Govt. of Tamil Nadu,
Guindy, Chennai.
4. The Commissioner,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

2 ccs to Mr.E. Vijay Anand, Advocate Sr. 4188
1 cc to Government Pleader, Sr. 4306

W.P.NO.21572 OF 2014

BR (CO)
kk 4/2

सत्यमेव जयते

WEB COPY