

IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9540 of 2012

and

M.P.No.1 of 2012

Malliga

...Petitioner

-vs-

1. Government of Tamil Nadu,
Rep. By its Secretary to Govt.,
School Education Department,
Fort St. George, Chennai.
2. The Director of Matriculation Schools,
DPI Compound, College Road,
Chennai.
3. The Secretary / Chairman,
Central Board of Secondary Education
(CBSE), Siksha Kendra,
No.2, Community Centre, Preet Vihar,
New Delhi.
4. The Regional Officer,
Central Board of Secondary Education
(CBSE), No.1630-A, 'J' Block,
Anna Nagar, Chennai.
5. The Special Officer,
Private School Fees Determination Committee,
College Road, Chennai.

6. The Secretary,
SBIOA Educational Trust,
No.18, School Road, Anna Nagar
Western Extension, Chennai.

...Respondents

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to take appropriate legal action, including penal action against the sixth respondent trust for having violated the provisions of Tamil Nadu School (Regulation of Collection of Fees) Act, 2009, the provisions of the Code of Regulation for Matriculation Schools in Tamil Nadu, the provisions of Right of Children (Free and Compulsory Education) Act, 2009 (Act 35 of 2009) and the Rules made thereunder as well as the Affiliation Bye Laws of the CBSE.

For Petitioner : Mr.P.Wilson, S.C.
For Mr.G.Sankaran
For Respondents : Mr.V.R.Kamalanathan,
Addl.G.P. for RR 1, 2 & 5
Mr.G.Nagarajan for RR 3 and 4
Mr.C.Jagadish for R-6

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is a third party making a grievance against functioning of schools under the sixth respondent trust through a Public Interest Litigation.

2.Learned counsel for the sixth respondent Trust informs that the complaint lodged by the parent, which was the trigger for the petition, has since been withdrawn before the Private Schools Fee Determination Committee.

3.A perusal of the counter-affidavit of the fifth respondent shows that the Committee was required to look into the issue of collection of excess tuition fee and whenever such complaints are received, the matter can be attended to.

4.The counter-affidavit also shows that various complaints have been attended to and a refund of Rs.48,70,333/- has also been made. The affidavit affirms that if anything adverse is found against the school, proper recommendation would be made, apart from periodical inspection of the school.

5.We expect the respondent authorities to take adequate measures to ensure that the norms are adhered to whether by the sixth respondent or any other school.

6.Writ Petition, accordingly, stands closed. No costs. Consequently, M.P.No.1 of 2012 also stands closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Govt.of Tamil Nadu,
School Education Department,
Fort St. George, Chennai.
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SBIOA Educational Trust,
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Anna Nagar Western Extension,
Chennai.

1 CC to Mr.G.Nagarajan, Advocate SR.No. 54718

1 CC to M/s. Krishnamachari, Advocate SR.No. 54779

1 CC to Mr.G.Sankaran, Advocate SR.No. 54875

W.P.No.9540 of 2012

MG (CO)
PSI (16.10.2015)



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