

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.29563 of 2015 and M.P. Nos.1 & 2 of 2015

S.P.J. Matriculation Higher Secondary School,
Kalkulam,
Avaniapuram,
(Avaniapuram to Thiruparankundram Road),
Madurai 620 012.

Petitioner

vs.

- 1 The Government of Tamil Nadu
represented by its Secretary
Department of School Education
Fort St. George, Chennai 600 009
- 2 The Private Schools Fee Determination Committee
represented by its Special Officer
PTA Building, DPI Campus
College Road, Chennai 600 006

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the 2nd respondent Committee pertaining to the order of fee fixation dated 19.06.2015 on the file of the second respondent and quash the same, insofar as it relates to the petitioner school and consequently direct the respondents to permit the petitioner school to follow the proposed fee structure during the personal hearing on 19.06.2015 for the academic years 2015-2016, 2016-2017 and 2017-2018.

For petitioner

Mr. A. Palaniappan

For respondents

Mr. Sanjay Gandhi
Addl. Govt. Pleader - R1 & R2

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

The petitioner challenges the order dated 19 June, 2015 on the file of Private Schools Fee Determination Committee fixing the fees for the academic years 2015-2016, 2016-2017 and 2017-2018 by revising the earlier order dated 21 January, 2015.

2. The petitioner is a higher secondary school duly recognised by the Education Department, Government of Tamil Nadu.

3. The statutory committee appointed by the Government, pursuant to the provisions of Act 22 of 2009, determined the fee for the academic years 2015-2016 to 2017-2018 by order dated 21 January, 2015. The petitioner submitted its objection along with the details regarding the expected income and expenditure. It is the grievance of the petitioner that the statutory committee, without taking into account, the actual expenditure, determined the fee arbitrarily for a period of three years. Feeling aggrieved by the order passed by the Fee Determination Committee, the petitioner has come up with this writ petition.

4. The second respondent filed a counter affidavit in answer to the contentions raised in the affidavit filed in support of the writ petition. According to the second respondent-committee, the second respondent- committee has evolved a method to assess the expenditure. Accordingly, fee in respect of the petitioner School was fixed for three academic years. The second respondent further contended that the petitioner has claimed exorbitant expenditure and the same was rightly disallowed by the Committee and a fair fee was fixed taking into account all vital aspects.

5. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

6. The only question that arises for consideration is whether the guidelines laid down by the Division Bench in Lakshmi Matriculation School, etc., v. State of Tamil Nadu and Others¹, is followed by the second respondent while determining the fee structure.

7 The petitioner, in its objection before the statutory committee, explained the expenditure under different heads and the income that the institution will generate by collecting fees from students. The petitioner in its attempt to demonstrate that the committee failed to take into account the relevant

1 (2012) WLR 489

factors, contended that even the actual expenditure incurred for infrastructure was reduced drastically by the committee. The committee permitted the petitioner to employ 41 teachers as against 70 teachers. According to the petitioner, the school employed more number of teachers, but the committee has not taken cognizance of such relevant factors.

8. This Court in Lakshmi Matriculation School (supra) issued certain guidelines in the matter of determination of fee. The Committee was expected to consider the claim made by the institution in the light of the aforesaid guidelines. In case, the Committee is of the view that particular expenditure is either excessive or made without any basis, it should give its own reasons. The impugned order does not contain any reason as to why the claim made by the petitioner was negated. We are, therefore, of the view that the issue needs fresh consideration by the Committee.

9. We are now in the middle of the academic year 2015-2016. There is no question of re-fixing the fee for the academic year 2015-2016. The issue raised by the petitioner requires to be considered by the Fee Determination Committee for the academic year commencing from 2016-2017.

10. In the result, the impugned order dated 19 June, 2015 is set aside and the matter is remitted to the second respondent for fresh consideration. The petitioner should be given reasonable opportunity to submit its response. In case, the Committee is of the view that inspection of the institution is necessary before passing final orders, necessarily such inspection should be made. The petitioner is directed to produce all the required documents so as to enable the committee to determine the fee. The Committee is directed to pass final orders on merits and in the light of the guidelines issued in Lakshmi Matriculation School (supra) as expeditiously as possible and in any case within a period of twelve weeks from the date of receipt of a copy of this order.

11. The writ petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ra

To

1 The Secretary
Department of School Education
Government of Tamil Nadu
Fort St. George, Chennai 600 009

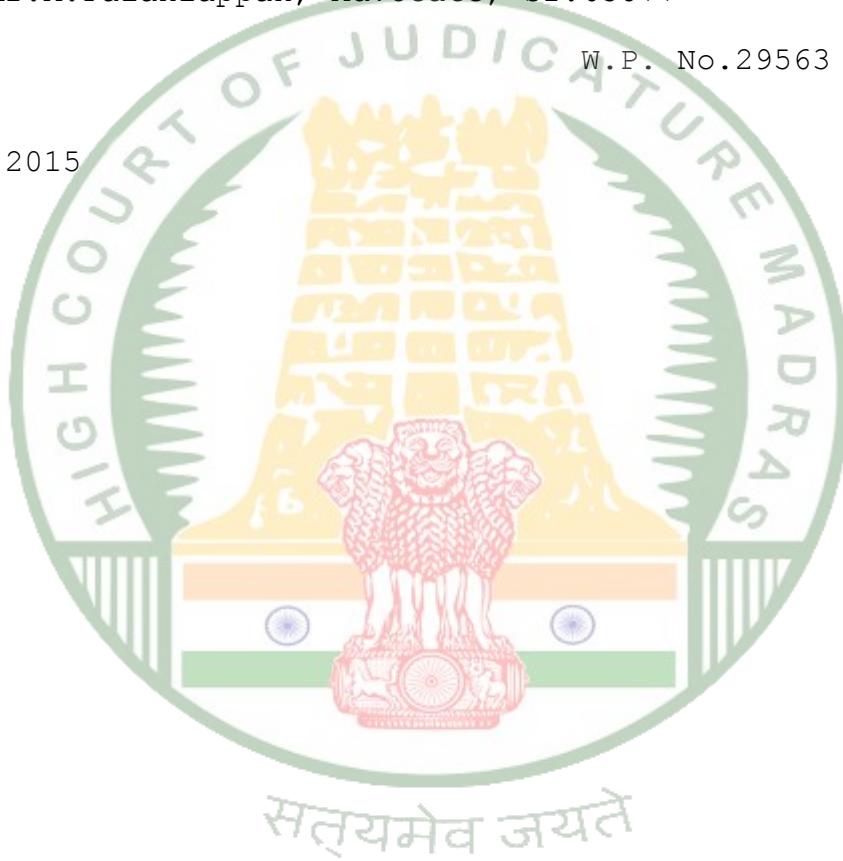
2 The Special Officer
Private Schools Fee Determination Committee
PTA Building, DPI Campus
College Road, Chennai 600 006

+1 cc to The Government Pleader, sr.63741

+1 cc to Mr.A.Palaniappan, Advocate, sr.63877

W.P. No.29563 of 2015

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kra 15.12.2015



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