

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13676 of 2016

And

W.M.P.No.11962 of 2016

Pradeep Jayaraman

... Petitioner

Vs.

- 1 The Chairman,
Private Schools Fee Determination Committee,
Chennai - 600 006.
- 2 The Director of School Education,
DPI Campus,
Chennai.
- 3 The Director of Elementary Education,
DPI Campus,
Chennai.
- 4 Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort Saint George,
Chennai - 600 009.
- 5 The Principal,
Annai Violet International School,
Red hills Road, Pudur,
Ambattur,
Chennai - 600 053.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2 to 5th Respondents herein to announce petitioner's children's, Miss Pooja Pradeep and Master Rahul Pradeep, annual academic results for the academic year 2015-2016.

For Petitioner : M/s.P.Alamelu Saruthri
For Respondents : Mr.P.Sanjay Gandhi
1 to 4 : Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents 2 to 5 to announce the annual academic results of the petitioner's children namely, Miss Pooja Pradeep and Mastar Rahul Pradeep for the academic year 2015-2016.

3.In the petition it has been stated that the fifth respondent school was started in the academic year 2013 - 2014 in the premises of Anna Anadhai Illam and till date it is functioning without obtaining any certificate of recognition from the Government of Tamil Nadu as mandated under Section 18 of the Right Of Children to Free and Compulsory Education Act, 2009. At the time of admission of the petitioner's children in the fifth respondent school, the petitioner was asked to pay a sum of Rs.10,000/- towards admission fee and Rs.35,000/- towards donation/corpus fund payable towards Anna Anadhai Illam for each child. Though the petitioner paid a sum of Rs.15,000/- each towards donation/corpus fund initially, he was not issued with 80G certificate by the fifth respondent school.

4.The fee structure of the fifth respondent school as given in the petition is as follows:

For the academic year 2013-2014:

Sl.No.	Particulars	Miss Pooja (UKG)	Master Rahul (Pre-KG)
1	Book Fee	Rs.4,000	Rs.4,000
2	Uniform Fee	Rs.3,000	Rs.3,000
3	Maintenance Fee	Rs.2,000	Rs.2,000
4	Tuition Fee	Rs.18,000	Rs.16,000
5	Study Related Fee	Rs.6,000	Rs.5,000
6	Co-Curricular Activity Fee	Rs.2,000	Rs.1,000

Sl.No.	Particulars	Miss Pooja (UKG)	Master Rahul (Pre-KG)
	Total Fee	Rs.35,000	Rs.31,000

For the academic year 2014-2015:

Sl.No.	Particulars	Miss Pooja (UKG)	Master Rahul (Pre-KG)
1	Book Fee	Rs.6,000	Rs.6,000
2	Uniform Fee	Rs.4,300	Rs.4,000
3	Maintenance Fee	Rs.5,000	Rs.5,000
4	Skating Kit Fee	Rs.1,500	-
5	Swimming Kit Fee	Rs.1,000	-
6	Tuition Fee	Rs.35,000	Rs.22,500
	Study Related Fee	Rs.5,500	Rs.4,126
	Co-Curricular Activity Fee	Rs.4,500	Rs.3,374
	Total Fee	Rs.62,800	Rs.45,000

For the academic year 2015-2016:

Sl. No.	Particulars	Miss Pooja (II standard)	Master Rahul (UKG)
1	Book Fee	Rs.6,500	Rs.6,000
2	Uniform Fee	Rs.4,500	Rs.4,000
3	Maintenance Fee	Rs.6,000	Rs.6,000
4	Swimming Kit Fee	Rs.1,500	Rs.1,500
5	Edu Sports Fee	Rs.1,500	Rs.1,500
6	Tab App	Rs.500	Nil
7	Tuition Fee	Rs.35,000 (17500*2)	Rs.22,500 (11250*2)
8	Study Related Fee	Rs.5,500 (2750*2)	Rs.4,126 (2063*2)
9	Co-Curricular Activity Fee	Rs.4,500 (2250*2)	Rs.3,374 (1687*2)
10	Extra-Curricular Activity Fee	Rs.3,000 (1500*2)	Nil
11	Annai Violet Series Book	Rs.1,000	Rs.1,000
	Total Fee	Rs.69,500	Rs.50,000

5.It is further stated that the fifth respondent school has arbitrarily increased the school fee by almost 99% due to which, the petitioner was not able to pay the balance amount of

Rs.20,000/- each towards donation/corpus fund payable towards Anna Anadhai Illam as agreed by him. It is further stated that the school management has stated books, uniform, stationeries and other kits are only optional but in reality, they are forcing the parents to purchase it from the school at exorbitant price which are priced almost three times more than the market price.

6.It is further stated that despite the petitioner paid the entire school fees, on 01.07.2015 and 08.07.2015, his child Master Rahul Pradeep was not allowed to attend swimming classes as they did not purchase the swimming kit from the fifth respondent school and he was also made to sit separately in the class room causing unbearable hardship and mental agony to him. Only after the receipt of the legal notice from the petitioner, his child was permitted to attend the swimming classes.

7.It is further stated that the petitioner was harassed by the fifth respondent school to meet their illegal demands and when he failed to meet their unjust, arbitrary and illegal demands. Whiles, the final academic results of the petitioner's children for the academic year 2015-2016 has been illegally and arbitrarily withheld by the fifth respondent school for non-payment of donation/corpus fund totalling a sum of Rs.40,000/-.

8.It is further stated that the petitioner sent a representation dated 30.03.2016 to the first respondent to determine and fix the school fee for the Annai Violet International School as per Section 6 and 7 of the Tamil Nadu Schools (Regulation of collection of fee) Act, 2009. The petitioner also sent a representation to the second respondent to take appropriate legal action against the fifth respondent for illegally withholding the results of his children for non-payment of donation/corpus fund and annoyed by the representation to the respondents 1 and 2, the fifth respondent school has illegally expelled his children from the school on 05.04.2016 in gross violation of Section 13, 16 and 17 of the Right of Children to Free and Compulsory Education Act, 2009. Hence, he once again made a representation to the second respondent on 06.04.2016, but no action has been taken till date. Hence, the petitioner has come forward with this petition.

9.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

10.Though the writ petition has been filed seeking a Mandamus directing the respondents 2 to 5 to announce the annual academic results of the petitioner's children for the academic year 2015-2016 along with a miscellaneous petition seeking direction to the fifth respondent to permit the petitioner's children to attend the next grade (class) until the disposal of

the writ petition, the learned counsel appearing for the petitioner at the time of arguments submitted that the petitioner is willing to give representation in this regard to the second respondent and if a direction is given to the second respondent to consider the said representation, that would be suffice.

11. In view of the submission made by the learned counsel appearing for the petitioner, this Court without going into the merits of the claim made by the petitioner, directs the petitioner to give a fresh representation, putting forth all his grievance, to the second respondent within a period two weeks from the date of receipt of a copy of this order and the second respondent on receipt of the same, is directed to conduct enquiry and pass appropriate orders, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner and the fifth respondent.

12. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

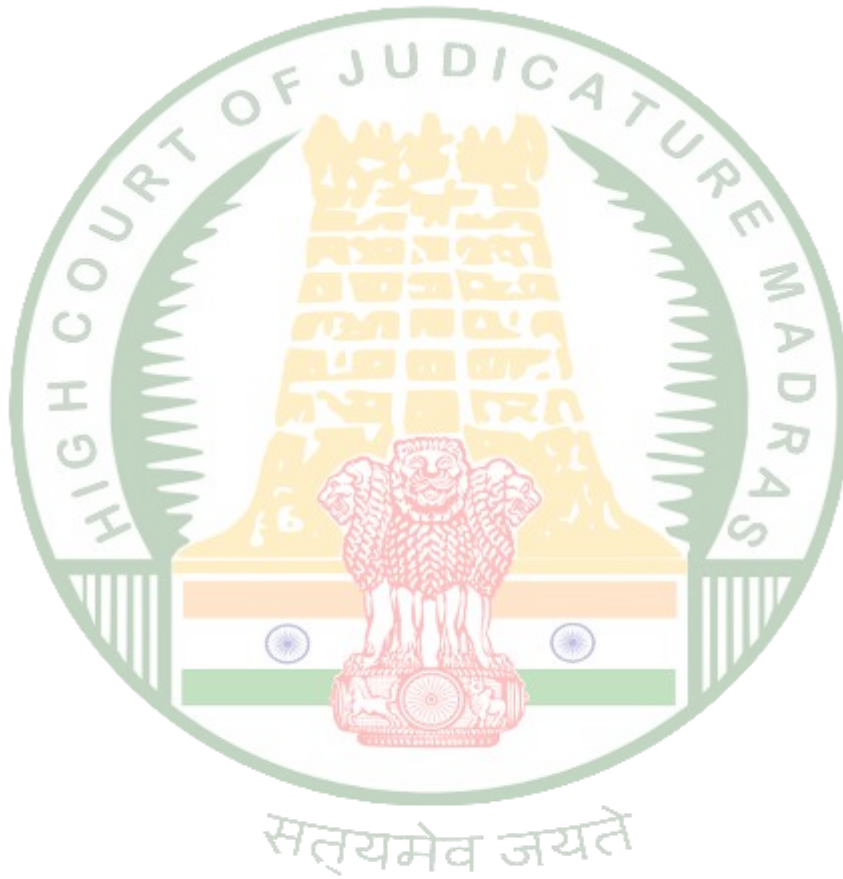
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+ 1 cc to M/s.P.Alamelu Saruthri, Advocate Sr 23260

+ 1 cc to The Govt.Pleader, Sr 23517

KR/20/4/16

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