

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.6612 of 2013

G.Sowrirajan

.. Petitioner

Vs

1.The Director of School Education
Puducherry
Government of Puducherry.

2.The Chief Educational Officer
Officer of the Chief Educational Officer
Karaikal
Puducherry.

3.The Regional Officer
Central Board of School Education (CBSE)
No.3, Z Block, Annanagar (West)
16th Maikn Road, Chennai-40.

4.The Principal
Aathmalayaa Middle School
Keezhakasakudi
Karaikal, Puducherry.

...Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action against the fourth respondent based on the complaint made by the petitioner, dated 9.12.2012 and for other reliefs, as prayed for by the petitioner, in the writ petition.

For Petitioner : M/s.P.R. Thiruneelakandan

For Respondents Nos.1 & 2 : Mr.M. Govindarajan
Govt. Pleader (Pondicherry)

For Respondent No.3 : No appearance

For Respondent No.4 : Mr.Bharath Chakravarthi
for Sai, Bharath & Ilan

O R D E R

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing on behalf of the respondents 1, 2 and 4.

2. This writ petition has been filed, directing the respondents 1 to 3 to initiate an appropriate action against the fourth respondent, based on the complaint made by the petitioner, dated 9.12.2012, and for other reliefs, as prayed for by the petitioner, in the present writ petition.

3. It has been stated that the petitioner had admitted his younger daughter, namely, S. Rajisri, in the first standard of the fourth respondent School, for the academic year 2011-2012. The said School has been affiliated with the Central Board of School Education, New Delhi.

4. It has been further stated that at the time of admission of his daughter, in the fourth respondent School, the petitioner had paid a sum of Rs.7800/-, towards Tuition Fees and a sum of Rs.7750/-, towards special fees, book fees, development fees etc.,.

5. It has also been stated that the fourth respondent School had collected a sum of Rs.5000/-, as deposit, from the parents of the students of the said School. After the Right of Children to Free and Compulsory Education Act, 2009, had come into force, the petitioner had refused to pay the fees demanded by the fourth respondent School. Since the petitioner had not paid the deposit amount, the fourth respondent School had expelled the second daughter of the petitioner, namely, S.Rajisri, without following the necessary provisions of the Right of Children to Free and Compulsory Education Act, 2009.

6. It has also been stated that the petitioner, who was working in a private concern, had lost his job, and therefore, he could not pay the amount demanded by the fourth respondent School.

7. In such circumstances, the fourth respondent School had not allowed the petitioner to pay the school fees for his second daughter on the day of the re-opening of the School, i.e., on 18.6.2012, and his daughter was also not allowed to attend the classes. Thereafter, the fourth Respondent School, vide its letter, dated 20.6.2012, had terminated the daughter of the petitioner from the School, for the non-payment of the school

fees.

8. The learned counsel, appearing on behalf of the petitioner had emphasised that, in view of the Right of Children to Free and Compulsory Education Act, 2009, no child can be expelled from the School, till the completion of the elementary education. He had also pointed out that, no child can be expelled from the School, for the non payment of the school fees.

9. The learned counsel had submitted that 25% of the seats should be reserved for the students coming from the disadvantaged Sections of the Society. Therefore, the termination of the second daughter of the petitioner, from the fourth respondent School, is illegal.

10. Per contra, the learned counsel, appearing on behalf of the fourth respondent School, had submitted that both the daughters of the petitioner were the students of the fourth respondent School. The petitioner ought to have paid the School fees, either fully or half of the amount of the fees, as per the Rules and Regulations of the fourth respondent School, on or before 26.3.2012. However, the petitioner had not paid the fees, for both of his daughters, till 20.6.2012. Though the fourth respondent School was re-opened on 4.6.2012, both the daughters of the petitioner had not attended the classes, in the fourth respondent School.

11. The learned counsel had further submitted that though circulars had been issued to the petitioner, reminding him about the payment of the school fees, as the petitioner had not paid the school fees, as per the circulars issued to him, a formal notice had been issued, dated 20.6.2012, informing the termination of his younger daughter, namely, S.Rajisri, from the fourth respondent School.

12. He had further stated that, no capitation fees had been demanded, by the fourth respondent School, as alleged by the petitioner. In fact, the petitioner had sent two letters, dated 20.6.2012, and 25.6.2012, requesting for the issuance of the transfer certificates, for both of his daughters, as he had been transferred to Chennai. Based on the request made by the petitioner, the fourth respondent School had issued the transfer certificates, for both his daughters.

13. He has further submitted that there is no arbitrariness or illegality in the termination of the second daughter of the petitioner, from the fourth respondent School, as alleged by the petitioner.

14. From the averments made in the affidavit filed in support of the writ petition and on a perusal of the records available, this Court does not find any evidence showing that the fourth respondent School had demanded the capitation fees, illegally.

15. Further, this Court does not find any averments in the affidavit filed in support of the writ petition, saying that the petitioner belongs to a disadvantaged Section of the Society and no documents had been filed to prove the same.

16. It is not in dispute that the petitioner had not paid the school fees for both of his daughters, who were studying in the fourth respondent School, as per the circulars issued to him, as well as the Rules and Regulations of the fourth respondent School.

17. It is also noted that the second daughter of the petitioner, namely, S. Rajisri, was terminated from the fourth respondent School, due to the non payment of the school fees, inspite of the several reminders sent by the fourth respondent School.

18. It is also noted that the petitioner had issued two letters, dated 20.6.2012, and 25.6.2012, to the fourth respondent School, requesting the issuance of the transfer certificates, for both his daughters. Based on the request made by the petitioner, the fourth respondent School had also issued the transfer certificates, even without demanding the arrears of the school fees.

In view of the submissions made by the learned counsels, appearing on behalf of the petitioner, as well as the respondents concerned, and on a perusal of the records available and on considering the foregoing reasons, this Court does not find any cause or reason to issue the directions, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education
Puducherry
Government of Puducherry.

2.The Chief Educational Officer
Officer of the Chief Educational Officer
Karaikal
Puducherry.

3.The Regional Officer
Central Board of School Education (CBSE)
No.3, Z Block, Annanagar (West)
16th Maikn Road, Chennai-40.

4.The Principal
Aathmalayaa Middle School
Keezhakasakudi
Karaikal, Puducherry.

+1cc to Mr.Sai bharath & Ilan Advocate, S.R.No.52083
+1cc to Mr.P.R.Thiruneelakandan,Advocate, S.R.No.51862
+1cc to the Government Pleader, S.R.No.52090

Writ Petition No.6612 of 2013

(CO) SKV
CP(24/10/2016)

सत्यमेव जयते

WEB COPY