

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.7133 of 2016 and W.M.P. No.6345 of 2016

Ravindra Bharathi Global School
represented by its Public Relation Officer
41B, Medavakkam Main Road
Keelkattalai, Chennai

Petitioner

Vs.

1 The Special Officer
Private Schools Fees Determination Committee
PTA Building
DPI Campus
Chennai 600 006

2 The State of Tamil Nadu
represented by its Secretary
School Education
Fort St. George
Chennai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the first respondent committee in proceedings Nil dated 11.12.2015 and 14.12.2015 and quash the same and further, direct the first respondent to pass appropriate orders in the light of the order dated 28.01.2016 of the Supreme Court in SLP (C) No.16/2013 by taking into consideration the various facilities provided by the petitioner school and consequently, permit the petitioner school to follow its fee structure for the academic year 2015-2016.

For petitioner Mr. Ar.L. Sundaresan, Sr. Counsel
for Mr. R. Kannan

For respondents Mr. P. Sanjay Gandhi
Additional Government Pleader (Edn.)

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P. Sanjay Gandhi, learned Additional Government Pleader (Education), accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 By this writ petition, the petitioner calls in question, the legality and validity of the orders dated 11 December 2015 and 14 December 2015 passed by the first respondent and further, seeks a direction to the first respondent to pass appropriate orders in the light of the order dated 28 January 2016 of the Supreme Court in SLP (C) No.16/2013, by taking into consideration the various facilities provided by the petitioner school and consequently, permit the petitioner school to follow its fee structure for the academic year 2015-2016.

3 According to the learned Senior Counsel appearing for the petitioner, the impugned order dated 11 December 2015 of the first respondent was passed in exercise of power under Section 6(4) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (for short "the Act") de hors competence and jurisdiction. It is further contended that the Supreme Court, recently, in a Special Leave Petition being S.L.P. (C) No.16 of 2013¹, during pendency of the petition, vide order dated 28 January 2016, has observed that Fee Committee constituted under the Act, has limited power, as contemplated under Section 7(3) of the Act.

4 The learned Additional Government Pleader appearing for the respondents submits that the order sought to be impugned in this writ petition was made prior to the order dated 28 January 2016 passed by the Supreme Court. Thus, the petitioner shall make a representation for consideration by the first respondent - Fee Committee exercising power under the provisions of Section 7(3) of the Act.

5 In view of the above fact situation and also considering the fact that the ensuing academic session is to commence in the first week of June 2016, the first respondent - Fee Committee is expected to complete the exercise and take a decision on or before 15 May 2016, keeping in mind, the order passed by the Supreme Court in the Special Leave Petition (supra). The issue in the second impugned order dated 14 December 2015 shall be examined and reconsidered in the light of the aforesaid order, after exercise of power under Section 7(3) of the Act.

1 Association of Management of Private Schools (CBSE) & another vs. State of T.N. and Others

The writ petition stands disposed of with the above observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

1 The Special Officer
Private Schools Fees Determination Committee
PTA Building
DPI Campus
Chennai 600 006

2 The Secretary
School Education
State of Tamil Nadu
Fort St. George
Chennai

1 CC TO Mr.R. Karnan, Advocate, Sr. 12030
1 cc to M/s. Government Pleader, Sr. 12592

W.P. No.7133 of 2016

CNR (CO)
kk 4/3

सत्यमेव जयते

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