

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.8040 of 2014

and W.P.No.40002 of 2016

and M.P.No. 1 of 2014

Bharat Catering & Hotel Management
Industrial School,
Rep by its Correspondent
Kalaikathiravan
428, Thanjai Main Road,
Ammaiyappan,
Thiruvarur & District.

...Petitioner in both
Writ Petitions

..Vs..

1. The Government of Tamil Nadu
Labour and Employment Department
Rep by its Secretary,
Guindy, Chennai-32.
2. The Joint Director (Craft Course),
Labour and Employment Department,
Guindy, Chennai - 32.
3. The Adi Dravidar & Tribal Welfare Department
Rep by its Secretary,
Fort, St. George, Chennai-9.
4. The District Adi Dravidar and
Tribal Welfare Officer,
Thiruvarur & District.

...Respondents in
W.P.No.8040 of 2014

- 1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai -9.
2. The Adi-Dravidar & Tribal Welfare Department
Rep by its Secretary to Government,
Fort St. George, Chennai-9.
3. The Director,
Labour and Employment Department,
Guindy, Chennai-32.

4. The District Adi Dravidar and
Tribal Welfare Officer,
Thiruvavarur & District.

...Respondents in
W.P.No.40002 of 2016

PRAYER in W.P.No.8040 of 2014: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to fix fees for the Hotel Management courses of the petitioner's Institution for the academic year 2013-2014 on par with the government of India and the Government of Tamil Nadu fixed fees to the "State Institute of Hotel Management and Catering Technology" for the academic year 2013-2014 and to give consequential direction to the 3rd and 4th respondents to provide the amount immediately.

PRAYER in W.P.No.40002 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent in Letter No.789/S2/2015-11 dated 15.06.2016 and its consequential order passed by the 3rd respondent in Na.Ka.No. 11888/ThoPa 1/2014 dated 04.07.2016 and quash the same and consequently direct the 1st respondent to fix the tuition fees to the petitioner's institute on par with the Government institutions in view of the Office Memorandum issued by the Government of India, Ministry of Labour and Employment, Directorate General of Employment & Training (DGE&T) dated 04.03.2014 and further direct the respondents to pay the fees to the petitioner's Institution for the academic years 2013-2017.

For Petitioner : Mr.P.Vijendran
in both W.Ps

For Respondents : Mr.V.Anandhamurthy,
Additional Government Pleader
in both W.Ps

ORDER

The petitioner is an Industrial School imparting education in Catering and Hotel Management. The Writ Petitions have been filed seeking for a direction to fix fees for the Hotel Management Courses of the petitioner-institution for the Academic year 2013-2014 on par with the Government of India and the Government of Tamil Nadu fixed fees to the State Institute of Hotel Management and Catering Technology and consequently, the petitioner prayed to direct the 3rd and 4th respondents to provide the amount immediately.

2. The courses offered by the petitioner-School are recognised and sponsored by the Central Government. The Central Government framed the fees structure for the academic year 2013-2014. The Central and Tamil Nadu Governments are jointly running the institute namely "State Institute of Hotel Management and Catering Technology" and they fixed the fees for the institutions. But, the first and second respondents did not fix the fees for the petitioner-institution. Hence, the petitioner prays for fixing up the fees for their institution.

3. The third respondent has filed counter affidavit stating that the second respondent grants educational assistance as post-metric scholarship to the Scheduled Caste and Scheduled Tribe students to restrain the drop outs from the Schools, Colleges and other educational institutions every year. Accordingly, the State Government has also issued G.O.Ms.No.92, Adi Dravidar and Tribal Welfare Department, dated 11.09.2012, which offers tuition fees payable by the State Government to the Scheduled Caste and Scheduled Tribe students who are studying in all the self-financing educational institutions. Accordingly, the students of SC and ST are availing the tuition fees for the higher studies. It is further stated in the counter that the tuition fees for the students for Scheduled Caste and Scheduled Tribe studying in the private Industrial Training Institutes, were fixed and the same was informed to the second respondent. The third respondent has also sent a detailed proposal to the first respondent to issue Government Order to fix the tuition fees for Self-Financing Industrial School similar to that of the Self-Financing Training Institutes as per G.O.No.115, Labour and Employment (S1) Department, dated 19.07.2012. In fact, it is stated as follows in paragraph Nos.9 and 10 of the counter affidavit:

"9. It is submitted that after careful consideration of the proposal submitted by 3rd respondent, the 2nd respondent requested the proposal due to certificates awarded for Industrial Schools are not equally recognised with certificate award for Industrial Training Institutes. This was informed to 3rd respondent by 2nd respondent vide letter No. 789/S2/2015-11, dated 15.06.2016. And it was also informed to petitioner by 3rd respondent vide letter no.11888/Thopal/2014, dated 04.07.2016.

10. It is submitted that, the private Industrial School and ITI Association has submitted petition to 3rd respondent for fix tuition fees for Industrial Schools. Based on the request by Private ITI & Industrial School Association the Regional

Joint Directors of Department of Employment and Training are informed by 3rd respondent vide letter no.15535/ISI/2016, dated 15.09.2016 to collect trade wise details course fees collected at present by all Industrial Schools is under process. Hence action is being taken by the 3rd respondent for fixing tuition fees to the industrial school."

4. As stated in the counter affidavit, the respondents are in the process of fixing the tuition fees for the Industrial Schools. However, already sufficient time has been taken by the respondents for the said process. Hence, the respondents are directed to expedite the process. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn

To

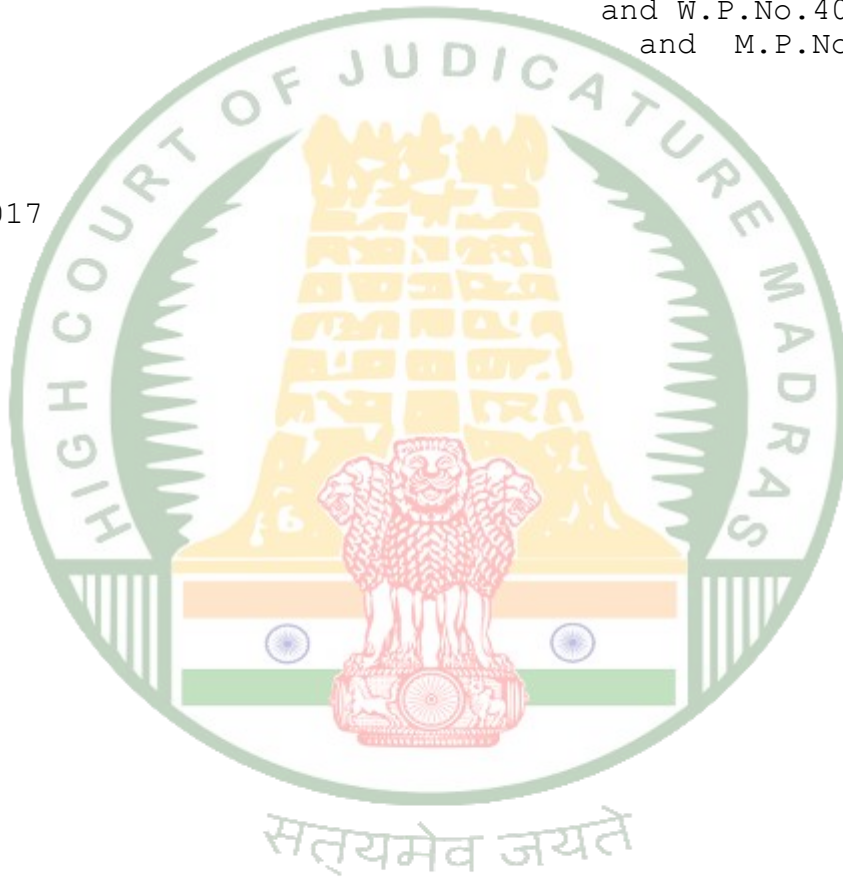
1. The Secretary,
Government of Tamil Nadu
Labour and Employment Department
Guindy, Chennai-32.
2. The Principal Secretary,
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5. The District Adi Dravidar and
Tribal Welfare Officer,
Thiruvavarur & District.

+1 cc to Mr.P.Vijendran Advocate sr 42694
+1 cc to the Government Pleader High Court Madras
sr 43160

W.P.No.8040 of 2014
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