

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.9859 of 2017

G.Devarajan

...Petitioner

Vs.

1.The Chief Secretary
Government of Tamil Nadu
St. Fort George
Chennai-600 009.

2.The Secretary
School Education Department
Government of Tamil Nadu
Chennai - 9.

3.Director of School Education
Directorate of School Education
DPI Campus, Chennai - 600 006.

4.The Chairman
Private Schools Fee Determination Committee
Chennai - 600 006.

5.The Head Master
Don Bosco Higher Secondary School
130, Madhavaram High Road
Perambur, Chennai - 600 011.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direction based on the representation dated 15.02.2016, 16.11.2016 and 13.04.2017 to direct the respondents 1 to 4 to appoint appropriate competent authority or special committee of higher official headed by retired judge having power to direct the Government Schools and Government Aided Schools and to look into and investigate the collection of excess fee during the years 2013-2014 and 2014-2015 by the Government Aided School (namely DON BOSCO Higher Secondary School at No.130, Madhavaram High Road, Perambur, Chennai - 11) i.e. the 5th respondent and to direct the 5th

respondent to refund the amount which collected by it in-addition to the school fee fixed by Government of Tamilnadu.

For Petitioner : Mr.G.Devarajan [P-in-P]

For Respondents : Mr.T.M.Pappiah [For R1 to R4]
Special Government Pleader
Dr.Fr.A.Xavier Arulraj
Assisted by
Ms.Arulmary [For R5]

O R D E R

The petitioner's three sons studied in the 5th respondent school during the years 2013-14 and 2014-15. The 5th respondent school, exceeding the fees fixed by the Fees Committee appointed by the Government of Tamil Nadu in this regard and collected a sum of Rs.17,500/- for each student for the XI standard, whereas, the Fees Committee has fixed only Rs.500/-. Since excess amount of Rs.17,000/- has been collected by the 5th respondent, the petitioner approached Justice Singaravelu Committee on 27.05.2014, in this regard. On enquiry, the Committee based on the order of the CEO, ordered return of Rs.1,65,00,000/- by the 5th respondent.

2.The 5th respondent filed the Writ Petition No.23670 of 2014 challenging the said order of the Committee on the ground of jurisdiction and the said writ petition was allowed, accepting the contention of the petitioner therein. Therefore, the writ petitioner has given representations on 15.02.2016, 16.11.2016 and 13.04.2017 to the official respondents to constitute a Committee which has got a power to order refund of the excess amount collected by the 5th respondent. Even though the said representations have been received by the respondents 1 to 3, so far, no action has been taken. Hence, the writ petitioner is before this Court.

3.Heard Mr.G. Devarajan, who appeared as Party-in-Person, Dr.Fr.A.Xavier Arulraj, learned Senior Counsel assisted by Ms.Arul Mary, learned counsel for the 5th respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the 1 to 4 respondents.

4.Since, the petitioner has sought for appointment of an officer or a retired Judge of this Court to refund the amount which has been collected in excess of the amount fixed by the Government of Tamil Nadu, it is appropriate to direct the 2nd and 3rd respondents to dispose of the petitioner's representation, the last of which is dated 13.04.2017, on merits

and as per law within a period of eight (8) weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Secretary
Government of Tamil Nadu
St. Fort George
Chennai-600 009.
- 2.The Secretary
School Education Department
Government of Tamil Nadu
Chennai - 9.
- 3.Director of School Education
Directorate of School Education
DPI Campus, Chennai - 600 006.
- 4.The Chairman
Private Schools Fee Determination Committee
Chennai - 600 006.
- 5.The Head Master
Don Bosco Higher Secondary School
130, Madhavaram High Road
Perambur, Chennai - 600 011.

+2cc to Mr.A.Arulmary, Advocate, S.R.No.90052
+1cc to Mr.G.Devaraj, Advocate, S.R.No.89093
+1cc to the Government Pleader, S.R.No.89435

CNR(CO)
RRK(08/02/2018)

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