

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.07.2017

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THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.No.14731 of 2015 and
M.P.No.1 of 2015

Islamiah Matriculation School,
Rep. By its Correspondent / Secretary,
M.M.K.Mohideen Ibrahim, having office at
South Street,
Kilakarai, Ramanathan District. ... Petitioner

Vs.

1. The Private School Fee Determination Committee,
Rep. By its Special Officer,
College Road, DPI Campus,
Chennai-6.
2. The Director of School Education,
College Road,
Chennai-6. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records from the First Respondent relating to the impugned order dated 29.12.2014 relating to the determination of fee in respect of the Petitioner School, i.e. "ISLAMIAH MATRICULATION SCHOOL" and to quash the same and further direct the First Respondent herein to consider the valid objections raised by the petitioner school Management by its questionnaire dated 24.12.2014.

For Petitioner : Mr.S.Sathyannarayanan

For R1 : Mr.M.Elumalai
Government Advocate

For R2 : Mr.Sanjay Gandhi, AGP

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Learned Counsel for the Petitioner /School has filed a memo dated 20.07.2017 before this Court. On a perusal of the contents of the memo filed on behalf of the Petitioner, it is quite evident that at paragraph-9, the Petitioner has sought permission to withdraw the present writ petition in W.P.No.14731 of 2015, seeking liberty once again to plead their objections regarding the determination of fee structure as afresh and recognition of their minority status before the First Respondent.

2. The aforesaid contents of memo at para-9 which runs as under:

"9. Hence, it will be in the interest of justice, this Hon'ble Court may be pleased to permit the petitioner school herein to withdraw the above writ petition in W.P.No.14731 of 2015 with liberty once again to plead their objections regarding the determination of fee structure as a fresh and recognition of their minority status before the 1st respondent herein."

are taken on file before this Court in the present Writ Petition.

3. Based on the aforesaid memo and recording the same, this Court grants permission to the petitioner/School to withdraw the present Writ Petition and grants liberty to plead their objections in regard to the determination of fee structure as afresh in regard to the Academic Year 2018-19 onwards. It is also open to the Petitioner/School to raise all factual and legal pleas [including the status of minority of the Petitioner/School] before the First Respondent/Private School Fee Determination Committee, Rep. By its Special Officer, College Road, DPI Campus, Chennai-6, of course in the manner known to Law and in accordance with Law. If such pleas are raised by the Petitioner/School, then it is needless for this Court to make a mention that the First Respondent/Committee can look into the same in a fair, free, open mind, in an unbiased and dispassionate manner, of course, providing necessary opportunity to the Petitioner/School by adhering to the Principles of Natural Justice.

4. It is quite clear that the First Respondent/ Committee shall pass necessary orders in the subject matter in issue when the Petitioner/School makes an application for determination of fee structure for the Academic Year 2018-19 and the said Committee is

to pass reasoned speaking order, of course on merits adverting to all the pleas raised and answering the same, of course

uninfluenced and untrammelled with any of the observations made by this Court in this Writ Petition and the earlier orders of the "Fee Committee".

5. In view of the aforesaid observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The Special Officer,
Private School Fee Determination Committee,
College Road, DPI Campus,
Chennai-6.
2. The Director of School Education,
College Road,
Chennai-6.

+lcc to Mr.S.Sathya Narayanan, Advocate Sr. 51917

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KJ(CO)
VR(30/08/2017)

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