

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3761 of 2017

A.N.Batcha

.. Petitioner

Versus

1. State of Tamil Nadu,
rep by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Collectorate office, Coimbatore.
3. The Director of School Education,
College Road, Chennai - 600 006.
4. The Chief Education Officer,
500, Raja Street,
Coimbatore - 641 001.
5. The Inspector of Matriculations Schools (IMS),
Marketing Committee Campus,
Ramanathapuram, Coimbatore - 641 045.
6. The Principal,
Rose Garden Matriculation School,
1/253, T.A.S. Nagar, Ooty Road,
Mettupalayam - 641 301
Coimbatore District.
7. S. Mohammed Kasim .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 5 to take necessary action against the 6th and 7th respondent in accordance with law on the petitioner's representation dated 13.10.2016 by allowing the petitioner's son Master Tharick Ansari to continue his studies in Rose Garden Matriculation School, 1/253, T.A.S. Nagar, Ooty Road, Mettupalayam-641 301,

Coimbatore District without any interruption in the current academic year.

For Petitioner : Mr.S. Vijayakumar
For Respondents 1 to 5 : Mr.V. Anandhamurthy
Additional Government Pleader
For Respondents 6 & 7 : Mr.G. Krishnakumar

O R D E R

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take necessary action against the respondents 6 and 7 in accordance with law based on his representation dated 13.10.2016 by allowing his son Master Tharick Ansari to continue his studies in Rose Garden Matriculation School, 1/253, T.A.S. Nagar, Ooty Road, Mettupalayam-641 301, Coimbatore District without any interruption in the current academic year.

2. The petitioner is the father of minor Master Tharick Ansari. The petitioner's son, who was admitted in the sixth respondent-School for the Academic year 2015-2016, was pursuing 6th Standard and he was promoted to the 7th Standard. According to the petitioner, he has paid Rs.15,500/- to the sixth respondent-School for the 7th Standard and requested further time for payment of Rs.3,500/- as the petitioner did not have sufficient money. Further, it is stated that the sixth respondent did not give receipts for the fees paid immediately. In the meanwhile, note books and text books were issued to the other students and the petitioner's son was not supplied of the same. Therefore, when the petitioner approached the Principal of the said School and enquired about the same, the petitioner was informed that unless he paid the balance fees, note books and text books will not be issued to his son. Subsequently, on 15.07.2016, his minor son was asked to leave the school and was not permitted to attend the school for non-payment of fees. It is further stated that repeated attempts of the petitioner to persuade the respondents 6 and 7, went futile. It is further complained that the School authorities came to the residence of the petitioner with anti-social elements and created confusion with the intention to defame the petitioner. After several complaints were given by the petitioner to the respondents 1 to 5, the fourth respondent had initiated proceedings in Na.Ka.No.5704/A4/2016 dated 04.08.2016, directing the fifth respondent to inspect the School and file a report within seven days.

3. While so, on 10.08.2016, the seventh respondent had sent a letter to the petitioner, calling upon him to pay the fees, which was outstanding and that they were ready to admit the

petitioner's son. The petitioner states that despite the petitioner paying Rs.15,500/-, without issuing the receipt, the respondents were demanding further sum from the petitioner, which is absolutely arbitrary and baseless. Therefore, the Writ Petitioner is now seeking mandamus to direct the respondents 1 to 5 to take necessary action against the respondents 6 and 7 in accordance with law based on the representation sent by the petitioner dated 13.10.2016 and for further direction to allow the petitioner's son to continue his education in the same School.

4. The respondents 6 and 7 have filed their counter affidavit. It is stated in the counter affidavit that the petitioner's son had attended the School from 24.06.2016 to 16.07.2016 and thereafter, he did not attend the School. The other allegations made by the petitioner were all denied by the respondents. In fact, the fifth respondent had initiated action against the respondent-School and there was an enquiry conducted based on the representation given by the petitioner, pursuant to which, they were called upon to attend the enquiry on 30.08.2016. The respondents 6 and 7 have also appeared and gave their explanation. However, the petitioner had not appeared for the enquiry. It is stated by the respondents that they have already issued a letter 30.08.2016, calling upon the petitioner to allow his son to continue his education in the School. But, the petitioner had not sent his ward to the School.

5. Heard Mr.S.Vijayakumar, learned counsel for the petitioner, Mr.V.Anandhamurthy, learned Additional Government Pleader for respondents 1 to 5 and Mr.G.Krishnakumar, learned counsel for respondents 6 and 7 and perused the materials available on record.

6. After hearing both the learned counsels for some time, the learned counsel appearing for the respondents 6 and 7 stated that the petitioner's minor son would be automatically promoted from 7th Standard to 8th Standard. It is also stated by the respondents 6 and 7 that they would not insist for payment of fees for the 7th standard from the petitioner's son and his son would be automatically promoted to 8th standard. It is open to the petitioner to send his son to the 8th Standard from the academic year 2017-2018. However, the petitioner is directed to pay the necessary fees for the current academic year, during which the petitioner's son will be admitted in the 8th Standard. The learned counsel appearing for the petitioner is also agreeable for the same. This Court records the undertaking that the petitioner would send his son to the 8th Standard and pay the requisite fees to the School and the respondents 6 and 7 would not demand fees payable for the previous academic year

(i.e) the year in which the petitioner's minor son ought to have completed his 7th Standard.

7. With the above direction, this Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
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Ooty Road,
Mettupalayam - 641 301
Coimbatore District.

+2ccs to Mr.S.Vasavi Sridevi, Advocate, S.R.No.25800
+1cc to Mr.G.Krishnakumar, Advocate, S.R.No.36422

W.P.No.3761 of 2017

rj(co)
rmp(16/05/17)