

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.09.2017

Coram

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

W.P.No.5791 of 2013 and
M.P.No.2 of 2013

Pushpalatha Matriculation Higher
Secondary School (02227)

Rep. by its Correspondent

Smt.Pushpalatha Porranan

Sivanthipatti Road,

Thiyagarajanagar,

Tirunelveli District

... Petitioner

Vs.

1. State of Tamilnadu,
Rep. by its Secretary
to Government,
Department of School Education,
Fort. St. George, Chennai - 600 009.

2. Director of School Education,
DPI Campus College Road,
Chennai - 600 006

3. The Private School Fee Determination
Committee, DPI Campus
College Road,
Chennai - 600 006

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus in calling for the records pertaining to the impugned order of the 3rd Respondent dated 16.09.2012 made in respect of the Petitioner School and quash the same and consequently permit the Writ Petitioner to collect the fees in terms of the fee fixed by the School and submitted to the Committee.

For Petitioner

: Mr.S.Silambannan
Senior Counsel
for Profexs Associates

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

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

The Learned Counsel for the Petitioner has made an endorsement in the Writ Petition to the following effect:

"The Petitioner has challenged the Order passed by the Fee Fixation Committee dated 16.09.2012 which is valid only upto 2014- 2015. Hence the Petitioner may be permitted to raise all these grounds raised herein before the present Fee Fixation Committee while fixing the fee for the subsequent years."

2. At this stage, it is pertinent to mention that this Court is not expressing any opinion on the correctness or otherwise of the Order dated 16.09.2012 passed by the 3rd Respondent during the Academic Years 2012-2013, 2013-2014 and 2014-2015. At the same time, this Court make it quite clear that while exercising the powers under Tamil Nadu Private Schools (Regulation of Collection of Fees) Act, 2009 for verifying the correctness of the amount of fees collected by the Petitioner and taking any action for collection of excess fees from the current Academic Year (2017-2018) onwards, the Private School Fee Determination Committee shall not be influenced by the findings in the aforesaid order dated 16.09.2012 and that orders in this regard passed by the Committee shall be on merits and in accordance of Law.

3. Recording the aforesaid endorsement made by the Learned Counsel for the Petitioner and in the light of observations made, this Writ Petition stands disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssd

To

1. The Secretary to Government,
State of Tamilnadu,
Department of School Education,
Fort. St. George, Chennai - 600 009.

2. Director of School Education,
DPI Campus College Road,
Chennai - 600 006

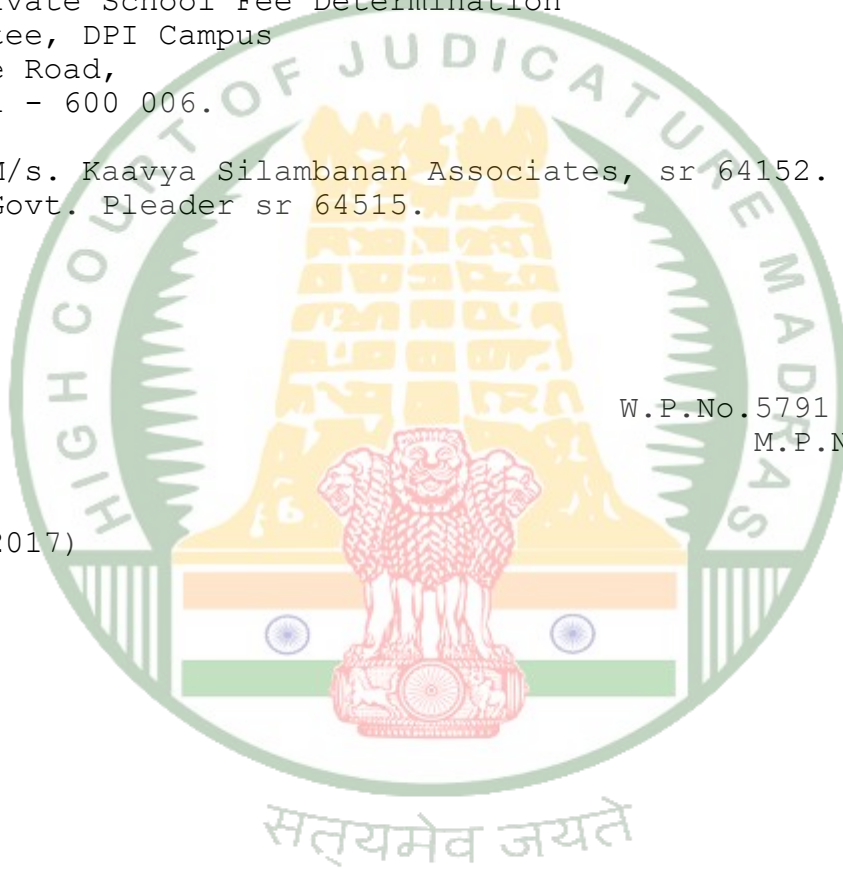
3. The Private School Fee Determination
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+1 CC to M/s. Kaavya Silambanan Associates, sr 64152.

+1 CC to Govt. Pleader sr 64515.

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SP(21/09/2017)



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