

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.17906 of 2017
and
W.M.P.No.19435 of 2017

- 1.Tamilnadu Recognized Aided [PETITIONER]
Pvt. School Manager Assn. No.37
Thiruvanthapuram High Ways Palayamkottai
Tirunelveli 2 rep. by its State General
Secretary P.Thayappan
- 2.P.Thayappan
Manager
Hindu Primary School
Maranthai - Thirunelveli Dist.
- 3.K.Devaraj
Secretary
Maragathambigai High School
Dhindivanam, Villupuram Dist.,
- 4.Davi Ayyadurai
Secretary
Thanapal Middle School
Madurai
- 5.A.Jebus Ponnaiah
Secretary
Jawarlal Middle School
Tirunelveli District
- 6.V.Vivekananthan
Secretary
Tagore Middle School
Tuticorin
- 7.A.Shanmugavel
Secretary
Ayyaswamy Memorial Middle School
Palayamkottai Range
Tirunelveli District

8.S.Padmanaban
Secretary
Gandhiji Memorial Middle School
Dindigul

9.B.Thillaivanam
Secretary
Annai Kasthuribai High School
Nagapattinam District

10.P.G.Manavel Stephan
Secretary
Chandrasekara Prasad Aided Middle School
Salem

11.R.Kameshwaran
Secretary
Sowdambika Middle School
Theni District

P2 to P11 are impleaded as per
order dt 22/09/2017 in WP 17906/17 ... Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government
School Education Department
Secretariat, Fort St.George
Chennai - 600 009.

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

3.The Joint Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road
Chennai - 600 006. ...

Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for increased Maintenance Grant at the rate of 6% assessed teaching grant payable to Private Aided and primary Schools as per Rule 11(3) of Tamil Nadu Recognized Private School (Regulation) Rules, 1974 and to continue to pay the Maintenance Grant as fixed in the Government order every year without any default.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Senthilvel,
Government Advocate

O R D E R

The petitioners have come up with the present writ petition for issuance of a writ of mandamus directing the respondents to pass orders for increased Maintenance Grant at the rate of 6% assessed teaching grant payable to Private Aided and primary Schools as per Rule 11(3) of Tamil Nadu Recognized Private School (Regulation) Rules, 1974 and to continue to pay the Maintenance Grant as fixed in the Government order every year without any default.

2.The petitioners are running schools by getting aid from the Government and they are governed by Tamilnadu Recognized Private School (Regulation) Rules, 1974. As per Rule 11 of the said Rules, the recognized private schools are to be paid grant from the State fund directly or through panchayat unions and such payment of grant shall be subject to Government orders. The said grant is intended to maintain the building and other infrastructures by the concerned aided schools. The school management are originally granted with 6% of assessed teaching grant for a calendar year and subsequently, the same was reduced from 6% to 4% of the assessed teaching grant excluding Dearness Allowance as per G.O.Ms.No.422, Education Department dated 16.03.1979. Similarly, the State Government issued orders in G.O.Ms.No.174, School Education Department, dated 23.06.2000 for revision of maintenance grant in respect of aided Elementary/Middle schools in the State of Tamil Nadu, by which the maintenance grant was reduced from 4% to 2% of assessed teaching grant for every school for a calendar year. Further, the petitioner Schools are required to obtain public building license, structural stability certificate at regular intervals, apart from providing adequate sanitary facilities and emergency aid kit etc.,

3.Even though the rules contemplate the payment of grant, the respondents failed and neglected to pay the maintenance grant to Government aided schools for several years, inspite of the obligation imposed on the Government. Therefore, representations were given on 21.02.2016 and 31.01.2017 seeking maintenance grant as provided under Rule 11(3) of the Tamilnadu Recognized Private School (Regulation) Rules, 1974, in order to maintain the schools with proper facilities. However, the said representations have not been considered and hence, the petitioners are constrained to approach this Court by filing the

present writ petition.

4. Heard Mr.G.Sankaran, learned counsel appearing on behalf of the petitioners and Mr.P.Senthilvel, learned Government Advocate appearing on behalf of the respondents.

5. A bare perusal of the Tamilnadu Recognized Private School (Regulation) Rules, 1974 would reveal that it is the bounden duty of the Government to pay grant as per the existing Government orders. It is stated by the petitioners that the maintenance grant has not been paid by the Government to the Aided schools for many years. The representations given by the petitioners were also not been considered.

6. In view of the above stated position, this Court directs the 1st and 2nd respondents to pass appropriate orders on the representation given by the Tamil Nadu Recognized Aided Private School Management Association and intimate the order only to the petitioners herein [10 schools] within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pgp

To,

1. The Principal Secretary,
To Government School Education Department,
Secretariat Fort St. George Chennai-9.
2. The Director of Elementary
Education DPI Campus College Road
Chennai-600 006.
3. The Joint Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus College
Road Chennai-600 006.

+1cc to the Government Pleader, S.R.No.70895

W.P.No.17906 of 2017

RRK(05/01/2018)