

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S. MANIKUMAR
AND
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.42924 of 2016
W.M.P.Nos.36813 and 36814 of 2016

Thiagarajar College of Engineering,
rep., by its Chairman and Correspondent,
Thirupparankundram, Madurai 625 015. ... Petitioner

v.

1. The Secretary,
State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
Committee on Fixation of Fee
in respect of Self Financing
Professional Colleges, सत्यमेव जयते
F-1, DOTE Staff Quarters,
Gandhi Mandapam Road,
Guindy, Chennai 600 025. ... Respondent

Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the entire records of
the 2nd respondent, which culminated in the impugned proceedings in

PROC.No.CFF/Engineering/Fees/029/2016, dated 23.06.2016 and to quash the same, as arbitrary, illegal and against the principles laid down by the Hon'ble Supreme Court and to further direct the 2nd respondent-Committee to determine separate fee structure for the petitioner Institution for the 03 Academic Years, commencing from 2016-17, by considering the expenditures mentioned in the proposal of the petitioner college, dated 09.02.2015 and 29.02.2016, by following the principles laid down by the Hon'ble Supreme Court of India in its judgments reported in 2003 (6) SCC 697 **Islamic Academy of Education v. State of Karnataka**, 2004 (5) SCC 583 **Modern School and others v. Union of India**, 2005 (9) SCC 537 **P.A.Inamdar v. State of Maharashtra** and 2016 (7) SCC 353 **Modern Dental College and Research Centre v. State of Madhya Pradesh**.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents 1 & 2 : Mr.K.Manishankar,
Addl. Advocate General
Assisted by Mr.K.Krishnamurthy

ORDER

(Order of the Court was made by **S. MANIKUMAR, J.**)

Though vide letter, dated 29.02.2016, Thiagarajar College of Engineering, Madurai, has sought for revision of fees structure for Under Graduates and Post Graduates, for the years 2016-17, 2017-18 and 2018-

19 respectively, the Committee on Fixation of Fee in respect of Self Financing Professional Colleges, vide order, dated 23.06.2016, has fixed fees, for various courses, for the academic year 2016-17, as stated below:

Sl.No	Name of the Course		Fee fixed by the Committee Rs.	Remarks
1.	B.E/B.Tech/B.Arch (Category-I)	Non-Accredited	40,000/ Annum	The Fee is an all inclusive annual fee including various fees like Tuition Fee, Admission Fee, Special Fee, Laboratory/ Computer/ Internet Fee, Library fee, Sports fee, Placement and Training fee, Maintenance and Amenities fee, Extra curricular activities fee and other recurring expenditure and development charges.
		Accredited	45,000/ Annum	
2.	B.E/B.Tech/B.Arch (Category-II)	Non-Accredited	70,000/ Annum	
		Accredited	70,000/ Annum	
3.	M.E./M.Tech/M.Arch	Non-Accredited	25,000/ Semester	
		Accredited	30,000/ Semester	
4.	MBA and MCA	Non-Accredited	15,000/ Semester	
		Accredited	18,000/ Semester	
5.	M.Sc. - 5 Years Integrated Course	Non-Accredited	15,000/ Semester	
		Accredited	18,000/ Semester	
6.	PGDBM/PGDBA Courses	Non-Accredited	10,000/ Semester	
		Accredited	10,000/ Semester	

2. Being aggrieved by the same, the Chairman and Correspondent, Thiagarajar College of Engineering, Madurai, has sought for the relief, as stated supra.

3. Upon notice, opposing the prayer sought for, the respondents have filed counter, for which, a reply has been filed by the petitioner.

4. On this day, when the matter came up for hearing, Mr.V.P.Sengottuvel, learned counsel for the petitioner submitted that the academic year 2016-17 is almost over and therefore, he is not pressing the relief, for quashing the proceedings, dated 23.06.2016.

5. However, by inviting the very same proceedings, dated 23.06.2016, learned counsel for the petitioner submitted that the Government have not considered fee revision for the years 2017-18 and 2018-19, for which, directions can be issued to consider the fresh proposal, dated 29.08.2017, submitted by the petitioner.

6. Placing on record the submission of Mr.V.P.Sengottuvel, learned counsel for the petitioner, prayer to issue a writ of Certiorari, to quash the proceedings, dated 23.06.2016, cannot be granted.

7. Mr.K.Manishankar, learned Additional Advocate General, appearing for the respondents submitted that the revised proposal, dated 29.08.2017, addressed to the Chairman, Committee on Fixation of Fee in respect of Self Financing Professional Colleges, Chennai, 2nd

respondent herein and acknowledged by the said Committee on 30.08.2017, would be considered in accordance with law and suitable orders would be passed, within four weeks, from the date of receipt of a copy of this order.

8. Placing on record the above, the 2nd respondent is requested to pass orders, within the time frame.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

(S.M.K., J.) (M.G.R., J.)
04.09.2017

Note to Office:

Issue order copy on 06.09.2017
skm

To

1. The Secretary,
State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai 600 009.

S. MANIKUMAR, J.
AND
M.GOVINDARAJ, J.

skm

2. The Member Secretary,
Committee on Fixation of Fee
in respect of Self Financing
Professional Colleges,
F-1, DOTE Staff Quarters,
Gandhi Mandapam Road,
Guindy, Chennai 600 025.



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