

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM:
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10833 of 2018

M.Gopi

... Petitioner

vs.

1. The Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
2. The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai 600 006.
3. The Inspector of Matriculation Schools,
No.46, B MAS Complex 1st Floor,
Vilakadikovil Street,
(Above DEO Office, MM Avenue),
Kanchipuram - 631 501.
4. Rosily Matriculation Higher Secondary School,
No.3, 1st Street, Rosily Nagar,
95, Chitlapakkam Main Road,
Chitlapakkam, Chennai 600 044.
rep. by its Correspondent.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the Respondents 1 and 2 to consider the Petitioner's representation dated 02.04.2018 to initiate action as against the 3rd and 4th Respondents for misuse of and deviation from the provisions of the RTE Act, 2009.

For Petitioner : Mr.S.Diraviam Dinesh
For Respondents 1 to 3 : Mr.A.Rajaperumal,
Additional Government Pleader
For 4th Respondent : Mr.T.Sivagnanasambandam

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 and 2 to consider his representation dated 02.04.2018 to initiate action as against the 3rd and 4th Respondents for misuse of and deviation from the provisions of the RTE Act, 2009.

2. According to the Petitioner, he availed admission for his first son viz. G.V.Soundaryaan in L.K.G. in the 4th Respondent/School in the present academic year, under the provisions of the Right of Children to Free and Compulsory Education Act, 2009. It is his case that the 4th Respondent/School is demanding exorbitant fee, in spite of getting admission under the RTE Act. Though, the Petitioner confronted the said School against further demand of fees, he was told by the 4th Respondent/School that further fees has been collected as per the instructions of the State Education Department. Despite lodging complaints with the State Education Department, no action is taken against the said School. Hence, this Writ Petition.

3. In the counter affidavit filed on behalf of Respondents 1 to 3, it is stated as under:

"8. It is submitted that the representation of the Petitioner was forwarded to the Chief Educational Officer, Kancheepuram vide proceedings Rc.No.6919/C3/2017, dated 15.05.2018 to enquire and submit a report in this regard. The Chief Educational Officer, in turn, deputed the Inspector of Matriculation Schools, Kancheepuram to cause an enquiry and submit a report.

9. It is submitted that based on the report filed by the Inspector of Matriculation Schools, Kancheepuram, the Chief Educational Officer, Kancheepuram has sent a report vide Na.Ka.2059/A5/2017, dated 10.04.2018. The Chief Educational Officer, Kancheepuram, has stated that the child by name G.V.Soundaryan, S/o.Mr.Gopi was admitted into the Rosily Matriculation Higher Secondary School, Chitlapakkam, during the year 2017-2018 under 25% reservation of the RTE Act, 2009. As the Government is reimbursing only the fee fixed by the Private Schools Fee Determination Committee to the School, all other fee such as fee for smart

class, Bus fee, has to be paid by the parents. The fact was informed to the Petitioner herein vide Letter Na.Ka.No.234/A1/2017, dated 15.03.2018 of the Inspector of Matriculation Schools."

4. Today, when the matter is taken up for hearing, learned Additional Government Pleader appearing for Respondents 1 to 3 produced a copy of the proceedings dated 04.05.2018 vide O.M.No.6919/E3/2018 (signed on 14.05.2018) and submitted that the representation of the Petitioner has been disposed of.

5. Recording the same, this Writ Petition is closed. However, if the Petitioner has any grievance, it is open to him to challenge the said proceedings in accordance with law. No costs. Consequently, connected W.M.P.No.12775 of 2018 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To

1. The Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
2. The Director of Matriculation Schools,
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3. The Inspector of Matriculation Schools,
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Vilakadikovil Street, (Above DEO Office, MM Avenue),
Kanchipuram - 631 501.

+1cc to Mr.M.L.Ravi, Advocate, S.R.No.41098
+1cc to the Government Pleader, S.R.No.41364

W.P.No.10833 of 2018

RSK(CO)
BM 19/07/2018