

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.10.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.12057 of 2018
and
W.M.P.No.14069 of 2018

D.G.M.Nursery & Primary School (0417138),
rep by its Secretary G.Matharasi,
Sethiyathope-608 702,
Chidambaram Taluk,
Cuddalore District. ... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Private Schools Fee Determination Committee,
rep. by its Special Officer,
D.P.I.Compound,
College Road,
Nungambakkam,
Chennai-600 006. ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent Committee dated 22.08.2017 fixing the fee structure for the academic year 2017-2018 onwards for the petitioner school and to quash the same as illegal and consequently, to direct the respondent authority to take into account all actual expenses incurred by the petitioner-school for fixation of free structure for the petitioner school from the academic year 2017-2018 in accordance with the guidelines stipulated by the Division Bench of this Court in the order dated 03.05.2012 in W.P.No.8489 etc of 2012 [2012 (2) CWC 204] within a time to be stipulated by this Court.

For Petitioner : Mr.J.Antony Jesus
For Respondents : Mr.K.Karthikeyan, GA

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ORDER

(Order of the Court was delivered by R.SUBBIAH, J.,)

The present writ petition has been filed by the petitioner praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent Committee dated 22.08.2017 fixing the fee structure for the academic year 2017-2018 onwards for the petitioner- school and to quash the same as illegal and consequently, to direct the respondent authority to take into account all actual expenses incurred by the petitioner-school for fixation of fee structure for the petitioner-school from the academic year 2017-2018 in accordance with the guidelines stipulated by the Division Bench of this Court in the order dated 03.05.2012 in W.P.No.8489 of 2012 etc, reported in [2012 (2) CWC 204], within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner that the petitioner-school provides education through English Medium by way of self-finance. The authorities of the 1st respondent have also granted permission for conducting English Medium Classes. The self-finance classes are conducted purely from and out of the fees paid by the students. The petitioner-school provides education through English Medium from LKG to 5th standard. The teaching and non-teaching staff are paid salary by the fees collected from the students. The strength of the students of the English Medium self-finance classes is 513 as on 01.08.2016. The 2nd respondent directed the petitioner-school to fill up printed questionnaire for the purpose of fixing fee for the students in the self-finance classes. The petitioner-school submitted the questionnaire along with relevant documents. The petitioner-school submitted details of monthly salary to the teaching and non-teaching staff, month-wise electricity charges and other expenses incurred for running the school. The 2nd respondent issued an order dated 22.08.2017 fixing a very low fees. The petitioner submitted an objection dated 25.04.2018 to review the fee fixed by the 2nd respondent. In the said objection it was pointed out that the allowances and expenditures incurred towards teaching and non-teaching employees were not considered according to the teaching pupil ratio. Further, regarding EPF payment, the petitioner-school has outstanding to be paid in future due to transition from manual challan method to online payment mode, for which they were unable to produce bills at the time of hearing date. The 2nd respondent, without any basis and against the order of the Seventh Pay Commissioner, has unilaterally fixed the salary in an arbitrary manner for the teaching and non-teaching staff. The 2nd respondent has also not given 15% for development expenses on annual fees for the development of the school. The 2nd respondent has not given a reasonable opportunity to the petitioner to substantiate its claim. Hence, the petitioner-school has come forward with the present writ petition.

3.Though the prayer in this writ petition is for a larger relief, today when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner has given a representation dated 23.04.2018 to the 2nd respondent and that if a direction is issued to the respondents to consider the said representation in the light of the order passed by the Division Bench of this Court in W.P.No.8489 of 2012 etc dated reported in [2012 (2) CWC 204] within a time frame, it would suffice.

4.In view the above submission made by the learned counsel for the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the 2nd respondent to consider the representation of the petitioner dated 23.04.2018 and pass appropriate orders, in the light of the order passed by the Division Bench of this Court in W.P.No.8489 of 2012 etc dated reported in [2012 (2) CWC 204], within a period of eight weeks from the date of receipt of a copy of this order. With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

(R.P.S.J.,) (R.P.A.J.,)

11.10.2018

Internet : Yes / No

Index : Yes / No

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

2.The Special Officer,
Private Schools Fee Determination Committee,
D.P.I.Compound,
College Road,
Nungambakkam,
Chennai-600 006.

R.SUBBIAH, J.,
and
R.PONGIAPPAN, J.,

(ssv)

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