

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.S.SUNDAR
W.P.No. 2197 of 2018

K.Sudharshan (minor) ... Petitioner
rep. By his Father N.Kumaresan
Vs.

1. The Secretary
Department of Higher Education
Government of Tamilnadu
Fort St. George
Chennai - 600 009.
2. The Director of School Education
School Education Department
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. District Educational Officer
Chennai South Region
Egmore
Ambedkar School Campus
Chennai - 600 008.
4. The Correspondent and the Hostel Superintendent
M.C.C Higher Secondary School
Harrington Road,
Chetpet, Chennai - 600 031.
5. The Head Master
M.C. C Higher Secondary School
Harrington Road, Chetpet
Chennai - 600 031.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 and 5 to repay the amount paid by the petitioner towards the fees, hostel fees of his son K.SUDHARSHAN as states supra that may deem fit.

For Petitioner : Mr. T.Vijayan

For RR 1 & 3 : Mrs. V. Annalakshmi
Government Advocate

For RR 4 & 5 : M/s. H. Mary Sowmi Rexi

ORDER

This Writ Petition has been filed seeking for a direction to direct the respondents 4 and 5 to repay the amount paid by the petitioner towards the fees, hostel fees of his son K.SUDHARSHAN as states supra.

Brief facts that are necessary for the purpose of disposing the Writ Petition are as follows:-

2. The petitioner passed SSLC during the academic year 2016-2017 and applied for XI Standard in Commerce and Computer Science Group in the fourth respondent School. It is also admitted that the fourth respondent offered to admit the petitioner upon payment of a sum of Rs.1,06,868/-. Out of which, a sum of Rs.19,325/- was collected towards tuition fees and a sum of Rs.79,950/- was collected towards hostel accommodation and a sum of Rs.7,593/- was collected towards school fees.

3. It is unfortunate to note that the petitioner became sick and he could not continue the studies in the fourth respondent school. After discontinuing his studies, the petitioner has approached the fourth respondent regarding return of money paid by him towards fees under various heads. Since the petitioner's representation was not considered by the fourth respondent to refund the amount paid by the petitioner, the above Writ Petition has been filed.

4. Though the petitioner submitted that the fourth respondent is entitled to deduct only one month tuition fee the learned counsel for the respondents disputed the entitlement of the petitioner for return of the amount as claimed by the petitioner. This Court suggested a mode of compromise by which the petitioner has agreed to get back 75% of the amount which he has paid towards hostel accommodation and not to claim any amount under any of the other heads. The learned counsel for the respondents has also agreed to this course.

5. Accordingly, the fourth respondent has handed over a Bankers Cheque dated 31.10.2018 drawn in favour of N.Kumaresan bearing No. 838691 for a sum of Rs.39975/- towards the balance amount payable towards 75% of the hostel fees collected from the petitioner. It is admitted that a sum of Rs.18,988/- has already been paid to the petitioner on 27.02.2017. The learned counsel for the petitioner has acknowledged the receipt of the Bankers Cheque and submits that the Writ Petition may be closed.

6. Recording the above said fact, this Court is inclined to close the Writ Petition. Accordingly, this Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Secretary
Department of Higher Education
Government of Tamilnadu
Fort St. George
Chennai - 600 009.
2. The Director of School Education
School Education Department
DPI Campus, College Road,
Nungambakkam
Chennai - 600 006.
3. District Educational Officer
Chennai South Region
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Ambedkar School Campus
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+1cc to M/s.Isaac Chambers, Advocate, S.R.No.74928

सत्यमेव जयते

W.P.No. 2197 of 2018

MP (CO)

rrs 04/12/2018

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