

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 11.12.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition Nos.2430 and 2431 of 2018

Bharathi English High School,
rep. by its Manager M.Sampath,
Sorapet,
Puducherry.605501

.. Petitioner in W.P. No.2430 of 2018

Subramania Bharathi Higher
Secondary School,
rep. by its Manager M.Sampath,
Sorapet, Puducherry 605 501..

Petitioner in W.P. No.2431 of 2018

Versus

1.The Secretary to Government,
Education Department,
Government of Puducherry,
Puducherry.

2.The Directorate of School Education,
(Secretariat Wing) rep. by the
Under Secretary to Government,
Government of Puducherry,
Puducherry.

3.The Fee Committee,
rep. by the Deputy Director
(Elementary Education),
Directorate of School Education,
Government of Puducherry,
Puducherry.

.. Respondents in both petitions

Petitions filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the order dated 29.11.2017 passed by the respondent made in No.09/DSE/EE/FC/2017/245 and quash the same and consequently direct the respondents 2 and 3 to reconsider the matter in the light of the objections submitted by the petitioners on 20.11.2017.

For Petitioners in both petitions : Mr.M.Gnanasekar

For Respondents in both petitions: Mr.R.Syed Mustafa,
Special Government Pleader (Pondy)
for R1 to R3

ORDER

The petitioners have come up with these writ petitions challenging the correctness of the Memorandum No.09/DSE/EE/FC/2017/245 dated 29.11.2017 issued by the third respondent and seeking a direction to respondents 2 and 3 to re-consider the matter in the light of their objections dated 20.11.2017.

2.The learned counsel appearing for the petitioners, assailing the correctness of the Memorandum, submitted that the third respondent sent a Memorandum to all the Private Schools requesting them to submit the 'C' approval form from all the recognised private schools of Union Territory of Puducherry for furnishing the details called for therein and a detailed letter along with representations dated 21.01.2016 were submitted by the petitioners requesting certain clarifications. Learned counsel would further submit that without considering the said representations, the third respondent again sent a memo dated 15.02.2016 directing the members of the Federation to submit the filled up forms within two weeks, making it clear that disciplinary action would be taken against the schools, if they fail to submit the same and the members of the Federation have submitted a representation to the third respondent requesting them to convene a meeting with the Federation regarding issues in respect of unaided schools. He would also submit that the third respondent issued a letter dated 13.07.2017 directing the petitioners to appear before them on 22.07.2017. Since the petitioners' genuine demands were not fulfilled, they did not appear and they sent their objections stating that the Committee has taken the audit report of the year 2010-11 and executed the calculation, which is wrong. While so, the third respondent by Memorandum dated 29.11.2017 rejected their request for change of fee structure. Hence, the petitioners are before this Court.

3.The learned counsel for the petitioners adding further would submit that when it is the grievance of the petitioners that the value of the property, value of the goods, salary for the staff are raised into peak level and the stationaries, furniture, wages are doubled from the year 2014, the methodology of the fixation of fee for the sake of the School Management should be re-considered, it is not proper on the part of the third respondent stating that the fee fixed by the Committee has become final as per rules, by their Memorandum dated 29.11.2017 and therefore, the same is liable to be set aside.

4.A perusal of the Memorandum dated 16.02.2017 shows that Rs.5,500/-, Rs.6,000/- & Rs.6,500/-, Rs.6,900/-, Rs.7,400/- & Rs.8,000/-, Rs.7,200/-, Rs.7,800/- & Rs.8,400/- and Rs.8,800/-, Rs.9,550/- & Rs.10,400/- have been fixed by the Fee Committee, the third respondent herein for the years 2017-18, 2018-19 and 2019-20 for LKG-UKG, I-V, VI-VIII and IX-X respectively. When the said fees itself are construed to be exorbitant fees collected from the students, the objections raised by the petitioners stating that all the stationeries, furniture, wages are doubled and that the fee structure on the basis of the audit statement for the financial year 2016-17 be reconsidered cannot be accepted by this Court. Further, when the Fee Committee issued a Memorandum dated 23.12.2016 to the Member Secretary of the petitioners to furnish the Fee Approval Form along with all the documents namely Audited Accounts for the year 2015-16 and proposed fee for the years 2017-18, 2018-19 and 2019-20 and by Memorandum dated 16.02.2017 directed the petitioners to furnish the particulars and appear before the Committee, making it clear that action will be initiated under Rule 64 (viii)(3)(d) of Puducherry School Education (Amendment) Rules 2014, if they fail to furnish and appear before them, the petitioners have not even responded and failed to comply with the said condition and failed to appear before them.

5.Without appearing before them, filing these writ petitions seeking a direction to the respondents 2 and 3 to reconsider the matter in the light of their objections is not proper on the part of the petitioners. Therefore, this Court is not inclined to entertain these writ petitions. Accordingly, the writ petitions fail and the same are dismissed. No costs.

Sd/- -

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vgaTo

1.The Secretary to Government,
Education Department,
Government of Puducherry,
Puducherry.

2.The Directorate of School Education,
(Secretariat Wing) rep. by the
Under Secretary to Government,
Government of Puducherry,
Puducherry.

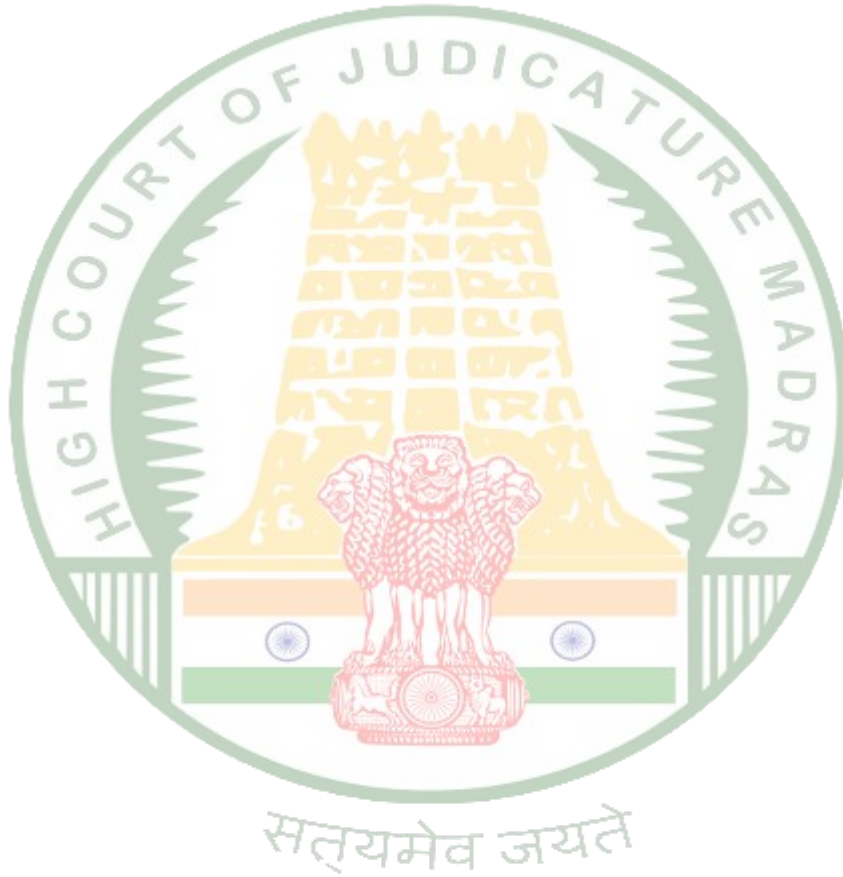
3.The Fee Committee,
rep. by the Deputy Director
(Elementary Education),
Directorate of School Education,
Government of Puducherry,
Puducherry.

+2cc to Mr.M.Gnanasekar , Advocate SR.No. 85517,85518

+1 CC TO GOVERNMENT PLEADER SR.NO. 85591

Writ Petition Nos.2430 and 2431 of 2018

ASK(08/01/2019)



WEB COPY