IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

W.P.No.17739 of 2018
and WMP.No. 21010 of 2018

M.Mahendran ... Petitioner

Versus

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

2.Planning Director
Directorate of the Right of Children to
Free and Compulsory Education act, 2009
D.P.I. Complex, College Road
Chennai 600 006

3.The Director of Elementary School Education
Office of the Director of Elementary School Education
D.P.I. Complex, College Road
Chennai 600 006

4.The District Collector
Tiruppur District, Tiruppur

5.The Chief Educational officer
Office of the District Collector Complex
Palladam Salai, Tiruppur 641 604

6.The Correspondent
Sri Vigneshwara Vidyalaya Nursery Primary School
No.6/127, Kavitha Lakshmi Nagar
Anupparpalayam
Tiruppur 641 652

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7.The Memer Secretary,
Tamil Nadu School Regulation of Collection of Fee Committee,
D.P.I, Campus, Chennai- 6
(R7 is suo-motu impleaded as per the order
of this Court dated 23/08/2018) ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the fifth respondent to take action against the sixth respondent as per the mandatory provisions of section 3,12 and 13 of the Right of Children to Free and Compulsory Education Act, 2009 pursuant to petitioner representations dated 10.09.2017, 15.12.2017 and 14.06.2018.

For Petitioner : Mr. A. Damodaran
For Respondents : Mr.A. Rajaperumal(for R1 to R5)
Additional Government Pleader
Mr. S. Anand (for R6)

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to take action against the sixth respondent as per the mandatory provisions of Sections 3, 12 and 13 of the Right of Children to Free and Compulsory Education Act, 2009, pursuant to petitioner's representations dated 10.09.2017, 15.12.2017 and 14.06.2018.

2. The case of the petitioner is that he is having two daughters and he got admission during the academic year 2015-2016 for his elder daughter in L.K.G in the sixth respondent-School under the category of Weaker Sections and Disadvantaged Groups in Private Non-Minority and un-aided Schools under Right of Children to Free and Compulsory Education Act, 2009. At the time of admission, the petitioner has paid a sum of Rs.2,000/- and also a special fee of Rs.4,800/-. However, it is alleged that the sixth respondent had not issued any receipts for the payments made by the petitioner. It is further stated that the petitioner got admission for his second daughter during the academic year 2017-2018 in L.K.G in the sixth respondent school under the said category.

3. It is the further case of the petitioner that the sixth respondent-School has demanded a sum of Rs.16,000/- for her elder daughter, and it was represented by the School that the Government would only pay a sum of Rs.5,000/- to them and hence, the petitioner has to pay a sum of Rs.11,000/- for his daughter to pursue education. It is stated that the petitioner has paid a sum of Rs.10,000/- with deduction of Rs.1,000/-, despite his financial status/condition. The grievance of the

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petitioner is that no receipt was given to the petitioner for collecting the sum of Rs.10,000/- .

4. It is the specific case of the petitioner that though the petitioner's daughters have completed their I standard and LKG respectively during the academic year 2017-2018 in the sixth respondent-School, they were not promoted to the II Standard and UKG respectively for the academic year 2018-2019, but demanded a sum of Rs.26,000/- towards school fees and notebooks for their admission. It is also stated by the petitioner that the sixth respondent has openly stated that the petitioner's children cannot continue in the school, unless the petitioner pays a sum of Rs.26,000/-. Hence, the petitioner gave a representation to the District Collector, Tiruppur District, the fourth respondent to take necessary action against the respondents 5 and 6. However, no action has been taken against the respondents. Therefore, the present writ petition has been filed directing the fifth respondent to take action against the sixth respondent-School.

5. It is seen from the typed set of papers filed by the petitioner that instead of giving receipts for payment of fees, the sixth respondent-School used to give receipts in a different form without mentioning the amount and the head under which the amount was collected. This Court is of the prima facie view that the stand taken by the fifth respondent that the petitioner has not proved the excess demand of fees by the sixth respondent, is not appropriate.

6. Under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009, the Government has constituted a Committee for the purpose of determination of the fees for admission to any standard or course of study in Private Schools. The Committee is also expected to hear the complaints with regard to the collection of excess fees by any private School and to initiate action for cancellation of recognition for the School in case the committee comes to conclusion.

7. Having regard to the fact that the said Committee constituted by the State Government is empowered to determine the fees to be collected by a private School and having been conferred with power to hear the complaints with regard to the collection of excess fees, this court suo-motu implead the Committee constituted under Section 5 of Tamil Nadu Schools (Regulation of Collection of Fee) Act 2009 as seventh respondent. The petitioner is directed to forward a representation to the Committee regarding demand of excess fees against the sixth respondent-School and the seventh respondent-Committee, thereafter shall conduct an enquiry as contemplated under the said Act and recommend to the appropriate authority to

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take action against the sixth respondent-School, in case, the 6th respondent is found to have collected fees in excess of the fees determined by the Committee or fixed by the Government, as the case may be, within a period of four weeks from the date of receipt of copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. Registry is directed to show Member Secretary of the Committee constituted under Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 as seventh respondent.

Sd/-
Assistant Registrar(VIII)

// True Copy//

Sub Assistant Registrar

srn

To

1.The Principal,
State of Tamil Nadu,
Represented by its Secretary,
School Education Deparment,
Fort St. George,Chennai 600 009.

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7.The Memer Secretary,
Tamil Nadu School Regulation of Collection of Fee Committee,
D.P.I, Campus, Chennai- 6.

+1cc to Mr.A.Damodaran, Advocate SR.No.57509
+2cc to Mr.S.Anand, Advocate SR.No.57463
+1cc to Government Pleader SR.No.57921

W.P.No.17739 of 2018
and
WMP.No. 21010 of 2018

AK(CO)
RMP(19/09/2018)

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