

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1551 of 2019 and W.P.No.1602 of 2019
and W.M.P.Nos.1784 and 1725 of 2019

Association of Management of Private Colleges
Udayampalayam Road and Post,
G.N.Mills Post,
Coimbatore - 641 029
Rep by its President,
Abhaya Kumar,
S/o.Shankarlal Jain

...Petitioner in W.P.No.1551 of 2019

Madurai Kamaraj University Private Colleges
Management Association,
C/o.Dinamalar
TVR House,
Dinamalar Avenue,
Madurai 625 016
Rep by its President,
Dr.R.Lakshmipathy
Son of (late) Sri.
T.V.Ramasubbaier.

...Petitioner in W.P.No.1602 of 2019

-Vs-

1. The State of Tamil Nadu
Rep by its Principal
Secretary to Government
Higher Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chariman,
Fee Fixation Committee (Arts and Science Colleges)
Mother Theresa Women University
Research and Extension Centre,
Saidapet, Chennai 600 015.

4. The University Grants Commission
Bahadur Shah Zafar Marg,
New Delhi 110 002,
Rep by its Secretary

.. Respondents in both W.Ps

PRAYER in both WPs: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned Government Order issued by the first respondent in G.O.Ms.No.205 Higher Education (El) Department dated 31.08.2018 and to quash the same.

For Petitioner: Mr.G.Sankaran
in both W.Ps

For Respondents
1 and 2 : Mr.V.Kadhirvelu
in both W.Ps Special Government Pleader (Hr.Edn)

For Respondent-3: Mr.S.Thankasivan
in both W.Ps

For Respondent-4 : Mr.P.R.Gopinathan
in both W.Ps

COMMON ORDER

These Writ Petitions are filed challenging the Government Order issued by the first respondent in G.O.Ms.No.205 Higher Education (El) Department dated 31.08.2018.

2. The said G.O relates to the Constitution of Committee for fixation of fee in respect of Self-financing courses in Government Aided Arts and Science Colleges and Self-financing Arts and Science Colleges. While describing the functions of the Committee, it is specifically stated that each of the educational institutions must place before the Committee its proposed fee structure well in advance, before the date of issue of notification of the academic year, along with all the relevant documents and books of accounts for scrutiny, based on which, the Committee will fix the fees and the same shall be binding on the institutions for a period of three years.

3. The main grievance of the petitioner-Association is that once the fee is fixed by the Committee, the institution cannot charge directly or indirectly any other amount over and above the amount fixed as fees. If any other amount is charged under any other head or guise e.g. donations, the same would amount to charging of capitation fee. The further grievance of the petitioner is that there cannot be any static and rigid structure for three years together, as expenditure may increase

every year due to sanction of increment and other salary benefits to the teachers as well as escalation of cost of chemical and equipments to be purchased every year. It is also pointed out that even the escalation of electricity charges and other statutory liabilities like ESI etc., are also variable from year to year. Therefore, fixing of rigid fees for three years would be arbitrary and illegal. It is further pointed out that there should be some Regulations for fixing of the fees by the Committee as has been done for the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.

4. The learned counsel for the petitioners placed reliance on Sections 6 and 7 of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2008 and sought for specific Rules before the Committee proceeds to fix the fees.

5. The learned Additional Advocate General, who appeared on earlier occasion, though had filed the counter, promised to furnish the relevant Regulations along with papers, but the same was not done so.

6. As already State Board +2 results were published and Central Board +2 results are due to be published, it is high time for the Fee Committee to fix the fees after deliberations.

7. As the matter requires to be considered urgently, let the Fee Committee itself formulate the Regulations on the basis of the Act 22 of 2009 and get the same approved by the Government of Tamil Nadu within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Fee Committee can proceed with the functions as prescribed in G.O.Ms.No.205 dated 31.08.2018.

8. Considering the urgency and importance involved in these matters, the Fee Committee is directed to undertake the said exercise forthwith. The respondents 1 and 2 are directed to extend their assistance and co-operation in this regard to the Fee Fixation Committee/the third respondent herein. It is open to the third respondent to take inputs from the petitioners-Association also.

9. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.
srn

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government
State of Tamil Nadu
Higher Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chariman,
Fee Fixation Committee (Arts and Science Colleges)
Mother Theresa Women University
Research and Extension Centre,
Saidapet, Chennai 600 015.
4. The University Grants Commission
Bahadur Shah Zafar Marg,
New Delhi 110 002,
Rep by its Secretary

+1cc to Mr.S.Thankasivan, Advocate, SR.No.41783
+2CCs to the Govt.Pleader, Vide Sr.No.41782 & 41783

W.P.No.1551 of 2019
and
W.P.No.1602 of 2019
and
W.M.P.Nos.1784 and 1725 of 2019

Kak (29/05/2019)

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