

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.8148 of 2019

M.V.Ramani

.. Petitioner

Vs.

1. The Private Schools Fee Determination Committee,
DPI Campus,
Chennai - 600 006.
Rep. by its Chairman
2. The Director of Matriculation Schools,
DPI Campus,
College Road,
Chennai - 600 006.
3. Sri Sitaram Vidyalaya Matriculation Higher
Secondary School,
Run by Sri Ramsamaj,
Ramakrishnapuram First Street (Lane),
West Mambalam, Chennai 600 033.
Rep. by its Secretary/Authorised Signatory
4. Sri Ramsamaj - Educational Agency,
A Society under the Societies Registration Act,
Rep. by its Committee Management,
headed by the President,
Arya Gowda Road, West Mambalam,
Chennai - 600 033.

.. Respondents

PRAYER :

Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider and act in accordance with law on the representations of the petitioner dated 24.04.2018 & 25.05.2018 by directing the refund to the students, the entire excess fee collected by the third and fourth respondents during the years 2010-2011, 2011-2012 and 2012-2013 by following the due transparent, effective and reasonable procedures of to deposit the same in the account of the second respondent.

For Petitioner : Mr.C.V.Subramanian

For RR1 & 2 : Mrs.P.Kavitha
Government Advocate

O R D E R

The relief sought for in the writ petition is for a direction to the first respondent to consider and act in accordance with law on the representations of the petitioner dated 24.04.2018 & 25.05.2018 by directing the refund to the students, the entire excess fee collected by the third and fourth respondents during the years 2010-2011, 2011-2012 and 2012-2013 by following the due transparent, effective and reasonable procedures of to deposit the same in the account of the second respondent.

2. The facts of the case is that the petitioner is a life member of Sri Ramsamaj, which is a Public Charitable Society registered under the Societies Registration Act. It is stated that the third respondent school, which is under the control of Sri Ramsamaj and its committee members had collected fees from the poor students in excess of the fee fixed by the Government through the first respondent committee for the years 2010-2011, 2011-2012 and 2012-2013. On the basis of the compliant given by the petitioner, the first respondent has passed an order dated 28.12.2017 based on the recommendation of the second respondent, directing the third respondent to refund the excess fees to the students, which was collected during the period 2010-2011, 2011-2012 to the tune of Rs.63,37,590/- and to file compliance report. In compliance with the said order, the third respondent school has partly refunded the excess amount collected from the students and still Rs.15 lakhs remains to be refunded to the students. Further, the Society has deposited the said amount in the name of Sri Ramsamaj without transferring the same to the account of the second respondent. In this regard, the petitioner has made representation on 24.04.2018 and a reminder representation on 25.05.2018 to the first respondent to direct refund of excess amount of Rs.39,98,180/- for the period 2012-2013. However, till date, no action has been taken by the first respondent in this regard. Hence, the petitioner is before this Court.

3. Heard the learned counsel appearing on both sides.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the first respondent to consider the petitioner's representations dated 24.04.2018 and 25.05.2018 and pass

appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, third and fourth respondents herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Chairman,
Private Schools Fee Determination Committee,
DPI Campus,
Chennai - 600 006.
2. The Director of Matriculation Schools,
DPI Campus,
College Road,
Chennai - 600 006.

+2cc to Mr.C.V.Subramanian, Advocate, S.R.No.26811
+1cc to the Government Pleader, S.R.No.26626

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PP(CO)
CS/05/04/2019

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