

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2019

CORAM:

THE HONOURABLE Mr. JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

WP. No.14503 of 2019
and
WMP. No.14511 of 2019

S.Ravichandran Petitioner

-Vs-

1.The Secretary,
Education Department,
Government of Puducherry,
Secretariat, Beach Road,
Puducherry.

2.The Director,
Education Department,
Government of Puducherry,
100 Feet Road, Puducherry.

3.Mr. Justice G.M.Akbar Ali,
Judge (Retired), High Court,
Madras, Chairman, Fee Committee,
Government of Puducherry,
Education Department, 5th Floor,
100 Feet Road, Puducherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to implement the Fee Committee recommendations for all the schools functioning in the Union Territory of Puducherry consisting of Purducherry, Karaikkal, Mahe and Yanam, as per the fee structure fixed for the years 2017-18, 2018-19, 2019-20 by the 3rd respondent herein and to take punitive action as against the schools which violate the Fee Committee recommendation, in accordance with law.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.A.V.Ramalingam
Additional Government Pleader (Pondy)

ORDER

[Order of the Court was made by C.V.KARTHIKEYAN, J]

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to implement the Fee Committee recommendations for all the schools functioning in the Union Territory of Puducherry consisting of Purducherry, Karaikkal, Mahe and Yanam, as per the fee structure fixed for the years 2017-18, 2018-19, 2019-20 by the 3rd respondent herein and to take punitive action as against the schools which violate the Fee Committee recommendation, in accordance with law.

2. At the outset, the petitioner claims that he has filed the present Writ Petition in the nature of Public Interest Litigation. But, unfortunately, he has not impleaded any of the schools, which according to him, have violated the Fee structure fixed by the 3rd respondent herein, namely, the Chairman, Fee Committee, Government of Puducherry, Puducherry. Consequently, this Court is unable to comprehend the nature of the writ petition and the schools which have actually violated the Fee Structure determined by the 3rd respondent. Therefore, this Court is also unable to issue any direction to the 2nd respondent in the absence of the names of the schools which have violated the fee structure recommended by the 3rd respondent. However, the petitioner appears to have given a representation dated 08.05.2019 to the 1st respondent, namely, the Secretary, Education Department, Government of Puducherry, Secretariat, Beach Road, Puducherry. It is stated that along with the said representation, the petitioner has enclosed the fee structure of two schools. Though the said fee structures are found in the typed set of papers, there is no reference to that in the representation dated 08.05.2019.

3. At this stage, the learned Counsel appearing for the petitioner submitted that interest of justice would be served, if a direction is issued to the respondents 1 and 2 to consider and pass appropriate orders on the representation of the petitioner dated 08.05.2019 and to give a direction to the respondents 1 and 2 to take appropriate action against the schools in the Union Territory of Puducherry which violate the Fee Structure fixed by the 3rd respondent.

4. Mr.A.V.Ramalingam, learned Additional Government Pleader (Pondicherry) takes notice for the respondents 1 and 2.

5. In view of the limited prayer now made by the petitioner, without going into the merits of the claim made in the representation of the petitioner dated 8.5.2019, the respondents 1 and 2 are directed to consider and dispose of the representation of the petitioner dated 08.05.2019 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order. It is made clear that principles of natural justice should be followed by affording an opportunity of hearing before passing any orders to the petitioner.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(vo)

//True Copy//

Sub Assistant Registrar

tsi

To

- 1.The Secretary,
Education Department,
Government of Puducherry,
Secretariat, Beach Road,
Puducherry.
- 2.The Director,
Education Department,
Government of Puducherry,
100 Feet Road, Puducherry.
- 3.Mr.Justice G.M.Akbar Ali,
Judge (Retired), High Court,
Madras, Chairman, Fee Committee,
Government of Puducherry,
Education Department, 5th Floor,
100 Feet Road, Puducherry.

+1 cc to Mr.C.Uma Shankar,Advocate Sr.No.43775
+1 cc to Government Pleader Sr.No.43981
+1 cc to Government Pleader, Sr.No.44003

WP. No.14503 of 2019
and
WMP. No.14511 of 2019

rji(co)
mp(21/05/2019)