



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

WP (MD) No.12384 of 2019

S.M.Anthony Muthu

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education
Department,
17, College Road, Nungambakkam,
Chennai - 600 006.
- 3.The Director of Matriculation Schools,
DPI Campus, College Road, Chennai - 600 006.
- 4.The Inspector of Matriculation Schools,
Perumalpuram, Palayamkottai,
Tirunelveli - 627 007.
- 5.The Chief Educational Officer,
Kanyakumari District, Nagercoil.
- 6.The District Elementary Educational Officer,
Kanyakumari District, Nagercoil.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to upload the class wise fees structure of private schools for each and every academic year online and also publish the same in the notice board of the schools, in the very beginning of the academic year.

For Petitioner : Mr.C.T.Perumal

<https://hcservices.courts.gov.in/hcservices/>
For Respondents : Mr.S.Srimathy,
Special Government Pleader

**ORDER****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed in public interest. The case of the writ petitioner is that many of the private management schools that have sprung up in Tamil Nadu particularly in Kanyakumari District are fleecing the parents in the guise of collecting fees under various heads. Recognizing the seriousness of the issue, a law has enacted and committee headed by a retired High Court Judge was appointed to determine the fee structure of the private schools in the State of Tamil Nadu for every academic year. The Committee is fixing the fee structure for every school depending upon the strength of the students and other facilities in the schools, after affording an opportunity of hearing. The schools cannot collect fees beyond what has been fixed by the Committee.

3.The grievance of the writ petitioner is that fee particulars in respect of each school must be uploaded online. The individual schools must also publish in their notice board the order passed by the fee fixation committee. Only then the general public will know the fees structure of the school in which they want to admit their children. The writ petitioner states that since the parents are unaware of the fee fixed by the committee, the school managements are collecting amounts over and above what has been prescribed.

4.We do not want to go into the merits of the matter. But, the prayer made by the writ petitioner cannot be objected to. The parents have a right to know the fee fixed by the committee. Only then, it will be possible to find out if the collection made by the concerned school management is over and above the prescribed fee or not. In the absence of information, the parents will not be in a position to decide their course of action. Of course, the exercise of fixing fee structure is an ongoing process. It appears that fee structure has not been fixed for all the schools in the Tamil Nadu. Therefore, whatever that has been finalized will have to be uploaded in the website of the second and third respondents. The respondent authorities must also ensure that the individual schools display on their respective notice boards the orders passed by the fee fixation committee. It is not as if the schools will publish the orders of the committee for one day and thereafter take it off. The details will have to be permanently displayed on their respective notice boards. The authorities will have to ensure that this direction is adhered to scrupulously. The direction now given shall be implemented by the respondents within a period of eight weeks from the date of receipt of a copy of this order.



5.This writ petition stands allowed on these terms. No costs.

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Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary to Government,
School Education Department,
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 - 5.The Chief Educational Officer,
Kanyakumari District, Nagercoil.
 - 6.The District Elementary Educational Officer,
Kanyakumari District, Nagercoil.
- +1 CC to M/s.C.T.PERUMAL, Advocate (SR-66290[F] dated 29/05/2019)
- +1 CC to M/s.SPL GP (SR-66544[F] dated 30/05/2019)

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Skm

JMN(20.08.2019) 3P : 9C