



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.9490 of 2018

and

W.M.P (MD) .No.8742 of 2018

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- 1.Lilly Kumar
- 2.Gnanaraj
- 3.Mohan
- 4.Sudalaimuthu
- 5.Punitha

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai-600 006.
- 3.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
- 4.The Principal
Kamlavathi Higher Secondary School,
Sahupuram, Thoothukudi.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the 4th respondent from collecting tuition fees and other special fees for the petitioners' children namely Prajin Kumar, S/o.Lily Kumar, studying 4th standard, Gnana Jeberson, S/o.Gnanaraj, studying 4th standard, Ramya, D/o.Mohan, studying 4th standard, Maharajan, S/o.Sudalaimuthu, studying 2nd standard and A.P.Aruna, D/o.Punitha, studying 2nd standard, who were admitted as per Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, in the fourth respondent School and consequently, direct the respondents 1 to 3 to ensure the continuance of Free Education of the petitioners' children in the 4th respondent school as per the right of children to Free and Compulsory Education Act, 2009 and G.O.Ms.No.60 School Education (X2) Department, dated 01.04.2013.

For Petitioners
For R1 to R3

: Mr.R.Pon Karthikeyan
: Mr.N.Shanmuga Selvam
Additional Government Pleader
: Mr.P.Chandra Bose



O R D E R

This Writ Petition is filed to forbear the forth respondent from collecting tuition fees and other special fees for the petitioners' children, who were admitted as per Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, in the fourth respondent School and consequently, to direct the respondents 1 to 3 to ensure the continuance of Free Education of the petitioners' children in the fourth respondent school as per the right of children to Free and Compulsory Education Act, 2009 and G.O.Ms.No.60 School Education (X2) Department, dated 01.04.2013.

2.Heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioners, Mr.N.Shanmugaselvam, learned Additional Government Pleader and Mr.P.Chandra Bose, learned counsel appearing for the fourth respondent.

3.The case of the petitioners is that the petitioners' children were admitted in the fourth respondent school on 25% reservation quota created under the Right to Free and Compulsory Education Act and as per the G.O.Ms.No.60 issued by the first respondent. The said quota is meant for weaker section/disadvantaged people. The petitioners are coming under the category of weaker section, since they are the collie workers. Therefore, the petitioners are paying only book fees to the fourth respondent school. Except the book fees, no other fees payable by the petitioners, since the petitioners children admission were under the said Act. At present, the fourth respondent school is insisting the petitioners to pay tuition fees apart from other special fees, failing which, the fourth respondent is threatening to terminate the petitioners children. Hence, this writ petition is filed.

4.According to the petitioners, they have made an application to the Chief Educational Officer to take action against the fourth respondent School by demanding tuition fees for admitting their children under the Right to Free and Compulsory Education Act. Since the petitioners' children are studying under the said Act, the Central Government as well as the State Government have to pay the fees. The fourth respondent has no right to demand the tuition fees from the petitioners children. Therefore, he prays the aforesaid relief in the writ petition.

5.The learned counsel appearing for the petitioners would fairly stated that last year, the fourth respondent School has not demanded any tuition fees from the petitioners' children.

6.In view of the submission made by the learned counsel appearing for the petitioner, this writ petition is disposed of. However, liberty is given to the petitioners, if any demand is made



by the fourth respondent school, the petitioners has to approach the authority concerned and to give a complaint. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai-600 006.
3. The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

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