

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.1918/2021 & WMP.No.2021/2021

[Video Conferencing]

The Tamil Nadu Self Financing
College of Education, Management Association
[TANCEMA], rep.by its General Secretary
M.Natarajan, Camp Office at 29-E, New No.73
Mani Nagar, L.R.Palayam, Panruti
Cuddalore District.

... Petitioner

Versus

- 1.The Government of Tamil Nadu
rep.by the Secretary, Higher Education
Department, Fort St George
Chennai 600 009.
- 2.The Committee on Fixation of Fee in
respect of, Teacher Education and Training Courses
in Self~Financing Colleges rep.by its
Special Officer, F~1, DOTE Staff Quarters
Gandhi Mandapam Road, Chennai 600 025.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to consider and pass orders seeking revision of Fee Structure to the Self Financing Colleges of Education from the academic year 2020-2021 within a time frame and till the revision is granted, permit the institutions which are fixed less than Rs.37,500/- per annum per student to collect the said fees per annum as fixed for the year 2018~2019.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents: Mr.E.Manoharan
Special Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of the respondents.

(3)The learned counsel for the petitioner-Association has invited the attention of this Court to the proceedings of the 2nd respondent-Committee dated 12.09.2019 bearing Proc.No.CFF/472/Teacher Education/Fees/2019 and would submit that in terms of the above said proceedings, the fee structure came to be formulated in respect of the students admitted for the academic years 2019-2020, 2020-2021 and 2021-2022 and challenging the legality of the said order, the petitioner has filed WP.No.8447/2020. A Division Bench of this Court, vide final orders dated 29.06.2020, has taken note of Clause [vii] of the operative portion of the above cited proceedings of the 2nd respondent dated 12.09.2019 and disposed of the writ petition and in the light of the same, the petitioner-Association had given a representation dated 30.09.2019 followed by a reminder representation dated 23.10.2020 to the 2nd respondent and despite receipt and acknowledgment, no progress is taking place and therefore, the petitioner-Association is constrained to approach this Court by filing this writ petition.

(4)Mr.E.Manoharan, learned Special Government Pleader appearing for the respondents would submit that the representation submitted in this regard would be given a due consideration and appropriate orders, in accordance with law/norms put in place, would be passed within the stipulated time frame.

(5)This Court has considered the rival submissions and also perused the materials placed before it.

(6)It is relevant to extract the operative portion of the proceedings of the 2nd respondent dated 12.09.2019:-

i.The above fee is inclusive of Admission fee, Tuition fee, University Registration and Eligibility Fee, Library and Magazines Fee, Laboratory Fee, Sports Fee, Fames fee [equipments for physical Education Courses] and Extra Curricular Activities Fee, Medical Check-up Fee, Teaching Practice Fee, Maintenance and Amenities Fee and Development Fee. It is classified that the above fee fixed is the maximum fee under the above various heads and the institutions shall not collect and levy more fee than the fee fixed by the Committee.

ii.The maximum fee structure prescribed will take effect for the student admitted for the academic year 2019-2020, 2020-2021 and 2021-2022.

iii.In addition to the above fees, the institution is permitted to collect an amount of Rs.5,000/- per student as development fee.

iv.In addition to the above recurring annual fee, the concerned Institutions are permitted to collect a refundable one time caution deposit not exceeding Rs.5,000/- per student at the time of admission, to be refunded at the time the student leaving the institution.

v.Any deviation of the order of this Committee will entail serious penal consequences like withdrawal of approval by NCTE and disaffiliation by the concerned University as well as imposition of fine.

vi.Any student/parent aggrieved by overcharging of fees, if any by the institutions is at liberty to approach the Committee for redressal.

vii.An option is also given to the colleges to seek revision of fee and it is open to the colleges they may apply to the Committee with their proposed fee structure along with relevant documents and books of accounts for the consideration of the Committee.

(7)Though the petitioner-Association prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected in the writ petition, either in the representations or in this writ petition, directs the 2nd respondent to consider and dispose of the petitioner-s representation dated 30.09.2019 and the reminder representation dated 23.10.2020 in accordance with law / norms and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order/uploading of the order in the website and communicate the decision taken, to the petitioner~Association.

(8)The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Secretary,
Government of Tamil Nadu,
Higher Education Department, Fort St George
Chennai 600 009.
- 2.The Special Officer,
Committee on Fixation of Fee in
respect of, Teacher Education and Training Courses
in Self-Financing Colleges,
F-1, DOTE Staff Quarters
Gandhi Mandapam Road, Chennai 600 025.

+1cc to Mr.P. EBENEZER PAUL, Advocate, S.R.No.4972

+1cc to the Government Pleader, S.R.No.5357

PPA(CO)
SM/17/03/2021

WP.No.1918/2021

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