

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10862 of 2021
and WMP.No.11498 of 2021

S.Natarajan

Petitioner

vs.

- 1.The Chief Secretary to Government,
Revenue and Disaster Management Department,
(Disaster Management Wing, DM II Section)
Fort St.George, Chennai-600 009.
- 2.The Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.
- 3.The Director,
Office of the Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 4.The Director,
Office of the Directorate of Matriculation Education,
DPI Campus, College Road, Chennai-600 006.
- 5.The Principal,
Narayana e-Techno School,
(Wall Tax Road Branch)
Nos.66 & 67, Basin Bridge Road,
Mint, Chennai-600 021.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 5th respondent to collect the balance fees of 60% of Rs.36,000/- after reopening the school and promote the petitioner's son N.Santhosh Krishnan to the 3rd Std Class for 2021-2022.

For Petitioner : Mr.Ilamvaludhi.S

For Respondents : Mr.A.Selvendran,
Government Advocate for R1 to R4

Mr.S.Lakshmanasamy for R5
O R D E R

The dispute raised in the present writ petition is with regard to payment of school fees and permitting the petitioner's son to attend 3rd Standard Classes in the fifth respondent school for the academic year 2021-2022.

2.Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner would submit that in pursuant to the orders passed by this Court in W.P.No.8490 of 2020 etc. batch dated 18.11.2020, the petitioner has paid 40% of the fees pertaining to the last academic year viz., 2020-2021 and however, the fifth respondent school has not allowed the petitioner's son to attend the classes for 3rd standard for the academic year 2021-2022 and therefore, he has filed the present writ petition.

3. Mr.A.Selvendran, learned Government Advocate appearing for the respondents 1 to 4, on instructions from the Department of Education, would submit that the fifth respondent school can collect 75% of the total fees for the academic year.

4. Mr.S.Lakshmanasamy, learned counsel appearing for the fifth respondent school would submit that in pursuant to the directions of this Court, the petitioner has paid only 40% of the school fees for the academic year 2020-21, but the second instalment was not paid by the petitioner for the academic year 2020-21 and if such arrears of second instalment fees for the last academic year is paid, there is no impediment for the fifth respondent school to allow the petitioner's son to attend the classes for the 3rd standard for the academic year 2021-2022.

5. This Court, on consideration of the elaborate arguments made by the learned counsel on either side by placing reliance upon the earlier order of this Court in W.P.Nos.8490 of 2020 etc., batch and upon agreed by both the parties, is inclined to pass the following order:

(i) The petitioner shall pay 40% of the fees payable for the academic year 2021-2022 to the fifth respondent school on or before 06.07.2021 and on such payment, the fifth respondent school shall permit the petitioner's son Mr.N.Santhosh Krishnan to attend the 3rd standard classes for the academic year 2021-2022, as per the instructions issued by the Education Department.

(ii) Insofar as 35% arrears of fees pertaining to last

academic year 2020-21, the petitioner shall pay the same within a period of four months from the date of receipt of a copy of this order.

(iii) The petitioner has to pay the balance fees for the academic year 2021-2022, as per the instructions issued by the Education Department.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jvm

To

- 1.The Chief Secretary to Government,
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Mint, Chennai-600 021.

+1cc to M/s.S.Ilamvaludhi, Advocate, S.R.No.29972

W.P.No.10862 of 2021

CP(CO)
CB(30/06/2021)