



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.13107 OF 2021 AND
WMP NO.13916 AND 16378 OF 2021

Murali Alias Muralidharan

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary, School Education Department,
Fort St. George, Chennai 600009.
- 2.The Commissioner of School Education,
DPI Campus, College Road, Nungambakkam,
Chennai-6.
- 3.The District Educational Officer,
Office of the District Education Office,
St. Thomas Mount, Chennai 600 044.
- 4.Mrs. Jeeva Hudson, The Headmistress,
Government Higher Secondary School,
Anakaputhur, Chennai 600 070.
- 5.The Deputy Commissioner of Police,
St. Thomas Mount, Chennai -09.

...Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to take suitable action against the fourth respondent by removing her from the post of Headmistress on the basis of the compliant made by the petitioner on 17.06.2021 to the second respondent.

For petitioner : Mr.M.Baskar

For respondents : Mr.M.R.Gokul Krishnan,
Government Advocate for
R1 to R3 and R5
Mr.K.Sakthivel for R4.



ORDER

This writ petition has been filed to issue a writ of Mandamus directing the first respondent to take suitable action against the fourth respondent by removing her from the post of Headmistress on the basis of the compliant made by the petitioner on 17.06.2021 to the second respondent.

2. The contention of the petitioner is that the fourth respondent, who is the headmistress of Government Higher Secondary School, Anakaputhur, Chennai has collected R.100/- for each application for admission for the academic year 2021-2022. As per the Government Order dated 18.06.2021, no amount shall be collected from the students while issuing the applications for any standards. Hence, he gave a letter to the second respondent to take action against her and also he met the third respondent and narrated the facts. However, no action was taken, Hence this writ petition.

3. By consent of both counsels to the parties, this matter has been taken up for final disposal.

4. The Writ petitioner has filed the above writ petition praying to take action against the Headmistress, the fourth respondent herein for collecting excess fees, illegally, from the students, studying in the fourth respondent's school.

5. This court vide interim order dated 23.06.2021, has directed the District Educational Officer, the third respondent to take action against the fourth respondent, based on the compliant made by the petitioner. Further, based on the interim order passed by this court, the District Educational Officer had conducted enquiry and submitted the preliminary report. Pursuant to the above preliminary report, this court vide order dated 14.07.2021 has directed the third respondent to take further action as against the fourth respondent and to file report before this court and also directed the Commissioner of School Education to collect a District wise report from the Chief Educational Officers concerned and submit a report on 27.07.2021.

6. When the matter is listed today, the fourth respondent has filed a petition to modify the orders passed by this court dated 14.07.2021, on the ground that she collected excess fee, based on the resolution passed by the Parents Teachers Association dated 14.06.2021, in which parents, teachers and social activists had participated. It is further stated by the fourth respondent that the above said resolution was inspected by the District Educational Officer and filed a report before this court and based on the report, seeks for further direction.



7. The learned counsel appearing for the petitioner objected the above said resolution passed by the Parents Teachers Association in the presence of the parents, teachers and social activists, since the Parents Teachers Association is not a party to the above said resolution. Therefore he stated that the resolution relied upon by the fourth respondent is unacceptable.

8. In view of the above said submissions and considering the facts and circumstances of the case, and also considering the allegations made against the fourth respondent that she has collected excess fee, beyond the prescribed fees, and also taking into account the preliminary enquiry report filed by the District Educational Officer, which reveals that the fourth respondent has collected excess fee and also considering the fact that the officials of the respondent did not take action on the complaint given by the petitioner, at this stage, this court cannot go into the merits and demerits of the collection of excess fee. However, prima facie, it is clear that the fourth respondent has collected excess fee, beyond the prescribed fees, as instructed by the Educational Authority. The issue, whether the collection of excess fee can be decided only by the Educational Authorities, by giving opportunities to the petitioner and the other individuals, if any, and the teachers of the school. Further, the issue, whether the said resolution is in accordance with the Tamil Nadu Parents Teachers Association By-laws and rules or not shall also be decided by the Educational Authorities.

9. Therefore, this court directs the District Educational Officer to proceed with the enquiry, after providing opportunities to the parties and take further action in accordance with law. Further though this court vide order dated 14.07.2021 has directed the Commissioner of School Education Department to issue necessary instructions and to file report, no compliance report has been filed today.

10. With the above observations, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

11. Post the matter after three weeks for filing compliance report.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mst



To

- 1.The Secretary,
School Education Department,
The State of Tamil Nadu,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of School Education,
DPI Campus, College Road, Nungambakkam,
Chennai-6.
- 3.The District Educational Officer,
Office of the District Education Office,
St. Thomas Mount, Chennai-600 044.
- 4.The Headmistress,
Government Higher Secondary School,
Anakaputhur, Chennai-600 070.
- 5.The Deputy Commissioner of Police,
St. Thomas Mount, Chennai -09

+1cc to Mr.M.Baskar, Advocate Sr.No.36133

+1cc to Mr.K.Sakthivel, Advocate Sr.No.36083

+1cc to the Government Pleader Sr.No.36233

W.P.No.13107 of 2021

NRL(CO)
RVM(09/08/2021)