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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14385 of 2021

Sri Bharathi Matriculation Higher Secondary School,
Represented by its Principal,
Mr.R.Nagarajan,
Son of M.Ramu,
Ganesapuram Annur Taluk,
S.S.Kulam (via)
Coimbatore 641 107.

...Petitioner

.Vs.

1. The Principal Secretary,
Department of School Education,
Government of Tamilnadu,
Chennai 600 009.
2. The Regional Director,
National Institute of Open Schooling Lady
Wellington College Complex, Kamarajar Salai
Chennai 600 005.
3. The Chairperson
National Institute of Open Schooling Headquarters
A 24-25 Institutional Area
Sector 62, NOIDA 201 309.
4. The State Project Officer,
Samagra Shiksha, DPI Complex, College Road
Nungambakkam,
Chennai 600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Directing the 2nd and 3rd respondents to settle the amount of Rs. 3 05 185/- towards remuneration for the course D.EI.Ed (2nd year) and to settle an amount of Rs. 1 74 110/- towards remuneration for the course PDPET by considering petitioner representation dated 28.01.2020 and 12.08.2020.



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For Petitioner : Ms.C.Meena
for Mr.M.Guruprasad

For Respondents : Mr.A.Selvendran
Government Advocate
for R 1 & R4

Mr.B.Rabu Manohar
SCGSC
for R 2 & R 3

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus directing the 2nd and 3rd respondents to settle the amount that was paid by way of remuneration by the petitioner Institution for conducting the courses, after considering the representation made by the petitioner on 28.01.2020.

2.The case of the petitioner is that the School was selected as a Coordinator / Study centre for conducting D.EI.Ed course and PDPET course. The further case of the petitioner is that the candidates who underwent the course in the petitioner School had directly made the payment to the 3rd respondent. The petitioner School is entitled for receiving the remuneration after the completion of the course. According to the petitioner, they are entitled to receive a remuneration of Rs.3,05,185/- for the D.EI.Ed course and Rs.1,74,110/- for the PDPET course. Since the same was not settled, the petitioner had made repeated representations which did not evoke any response and left with no other option, the present writ petition has been filed before this court seeking for appropriate directions.

3.The 2nd respondent has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder:

"5.It is respectfully submitted that in this regard, Shri Bharathi Matriculation Higher Secondary School, Coimbatore, the petitioner herein (Centre Code: 473312019) was allotted as Study Centre for both D.EI.Ed and PDPET courses. The above said Study centre has conducted PCP classes for both courses.

6.It is further submitted that an advance amount was sent to all D.EI.Ed Study Centres in Tamil Nadu and Puducherry for conducting PCP classes



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for 1st academic year. In this regard, an amount of Rs.93000/- [Rupees Ninety Three Thousand only] was given to the above mentioned centre for which the centre also submitted the Utilization Certificate for an amount of Rs.86130/- [Rupees Eighty Six Thousand and One Hundred and Thirty Only] and refunded the balance amount of Rs.6870/- [Rupees Six Thousand Eight Hundred Seventy only) through DD on 3.1.2018 for the 1st academic year.

7.It is further submitted that similarly, the same centre has submitted a Utilization Certificate for an amount of Rs.3,05,185/- [Rupees Three Lakhs Five Thousand One Hundred and Eighty Five Only] on 19.03.2021 for conducting PCP classes for the second academic year. For this, the approval of the headquarters is being awaited for release of the admissible amount to this sturdy centre.

8.It is submitted that now HQ, NIOS has received Utilization Certificates of Second year on 03rd Aug, 2021 from RC-Chennai for D.EI.Ed. Programme. The Scrutiny of Utilization Certificate is under process, after the approval of Competent Authority, the sanction amount will be sent to RC-Chennai for disbursing the remuneration through Nodal Officer of concerned State.

9.It is further submitted that the concerned State Nodal Officer has provided the list of Study Centres. Moreover all the activities are controlled by State Nodal Officer, therefore the study centres may approach the State Nodal officer instead of NIOS.

10.It is submitted that however, for conducting PCP classes for PDPET, it may kindly be noted that this study centre has only submitted a Budget Proforma on 12-08-2020 for an amount of Rs.1,74,110/- [Rupees One Lakh Seventy Four Thousand One Hundred and Ten Only]. It is further submitted that the Utilization Certificate which is a mandatory requirement has not been submitted by the Centre".

4.Heard Ms.C.Meena, learned counsel for the petitioner and Mr.A.Selvendran, learned Government Counsel for R1 & R4 and Mr.B.Rabu Manohar, learned Central Government Standing Counsel appearing on behalf of the respondent 2 and 3.



5.It is seen from the counter affidavit filed by the 2nd respondent that the 2nd respondent has already submitted for approval before the 3rd respondent with regard to the payment of Rs.3,05,185/- towards the remuneration payable for the D.EI.Ed course and the same is pending on the file of the 3rd respondent. That apart, insofar as the amount of Rs.1,74,110/-, that is sought towards remuneration for the PDPET course, the 2nd respondent has called for some clarification from the petitioner School and once the clarification is issued, the same will also be sent for approval to the 3rd respondent.

6.In view of the specific stand taken by the 2nd respondent in the counter affidavit, there shall be a direction to the 3rd respondent to take a decision on the approval submitted for the remuneration payable towards the D.EI.Ed course for a sum of Rs.3,05,185/-, within a period of six weeks from the date of receipt of copy of this order. Insofar as the remuneration claim made towards PDPET course, the petitioner shall immediately coordinate with the 2nd respondent and give the necessary clarification/documents to enable the 2nd respondent to forward the same for approval to the 3rd respondent. The 3rd respondent on receipt of the same, shall take a decision on granting approval within a period of four weeks after receiving the recommendation for approval from the 2nd respondent.

7.The petitioner is directed to make a fresh representation to the 2nd and 3rd respondents along with all the relevant documents and also a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Principal Secretary,
Department of School Education,
Government of Tamilnadu,
Chennai 600 009.



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Sector 62, NOIDA 201 309.
4. The State Project Officer,
Samagra Shiksha, DPI Complex, College Road
Nungambakkam,
Chennai 600 006.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.42770
+1cc to Mr.B.Rabumanohar, Advocate, S.R.No.42485
+1cc to the Government Pleader, S.R.No.42651

W.P.No.14385 of 2021

PCH[co]
NSK 16/09/2021