



WEB COPY



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Review Application (Writ) No.171 of 2021
Against
W.P.No.20666 of 2021**

Sai Speed Medical Institute Pvt. Ltd.,
Rep. by its Founder and Managing Director,
Dr.K.VinayakSenthil ... Petitioner

Vs.

1.The Principal Secretary,
Department of School Education,
Secretariat,
Chennai – 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

Prayer:

Review application filed under Section 114 read with Order 47
Rule 1 of Civil Procedure Code praying to review the order in
W.P.No.20666 of 2021 dated 17.11.2021.



WEB COPY



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

For Petitioner : Mr.P.S.Raman, Senior Advocate
for M/s.Shabnam Banu

For Respondents : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Ms.C.Sangamithirai for R1
Special Government Pleader
Mr.Stalin Abhimanyu for R2
Additional Government Pleader (Edn.)

O R D E R

This review application has been filed to review the order dated 17.11.2021 passed in W.P.No.20666 of 2021.

2.It is represented by the learned Senior Counsel appearing for the petitioner that in the order dated 17.11.2021 passed by this Court in W.P.No.20666 of 2021, it has been observed that the learned counsel appearing for the petitioner therein has submitted that the matter in dispute is factual in nature and therefore, this Court may permit the petitioner to go before the competent Civil Court by producing all the necessary documents, however, such representation was not made by the learned counsel and would further submit that the petitioner filed the writ petition seeking to quash the order of the first respondent dated 02.09.2021 and to release the outstanding payments as per the petitioner Institute's representations dated

2/10



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

WEB COPY

15.05.2019, 26.12.2019, 18.06.2020 and 24.08.2020 for the services provided by the petitioner Institute towards NEET coaching.

3.In view of the above, the order dated 17.11.2021 passed by this Court in W.P.No.20666 of 2021 is modified as follows:

(i)The petitioner has filed the writ petition seeking to quash the order of the first respondent dated 02.09.2021 and to release the outstanding payments as per the petitioner Institute's representations dated 15.05.2019, 26.12.2019, 18.06.2020 and 24.08.2020 for the services provided by the petitioner Institute towards NEET coaching.

(ii)The case of the petitioner is that the petitioner Institute is a company incorporated under the Companies Act, 1956 and registered on 22.03.2011. In the year 2017, the State Government of Tamil Nadu was indulging in a strenuous initiative to introduce free coaching classes for underprivileged students considering the announcement of CBSE wherein NEET was compulsorily to be held as on 06.05.2018.

(iii)The further case of the petitioner is that since the petitioner Institute was in a position to provide services in Tamil and English



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

WEB COPY

medium along with the necessary content and fulfilling all the requirements of the Government, the second respondent issued a letter dated 14.10.2017 requesting the petitioner Institute to enter into a Memorandum of Understanding (in short MOU) and they entered into an MOU dated 17.10.2017 and as per the same, 412 Government Schools were identified in Tamil Nadu to provide coaching classes in Tamil and English medium for Engineering and Medical Entrance Examinations.

(iv)The further case of the petitioner is that vide notice dated 08.11.2017, the Minister for School Education announced that the petitioner Institute will be conducting coaching classes and the distribution of books and further mentioned that steps have been taken by the Government to ensure that the said initiative would be exploited to the fullest for the well being of the students and vide G.O.No.255 dated 05.12.2017, a sum of Rs.19,78,93,224/- was allotted towards the NEET coaching classes for the students from Government and Government Aided Schools. The said project was titled as Thoduvanam and the Minister for School Education and the first respondent assured the petitioner Institute that all expenses in



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

WEB COPY

pursuance to this project will be taken care by the Government and the said project was inaugurated on 13.11.2017.

(v)The further case of the petitioner is that the Government passed G.O.Ms.No.3 dated 05.01.2018 wherein the Chairman, Confederation of Indian Industry (CII) had taken the initiative forward wherein it was proposed to set up an exclusive CII – Government of Tamil Nadu Joint Task Force on School Education System in Tamil Nadu and the said Government Order was copied to the petitioner Institute as members from NGO / Organization along with the first respondent and other members. After successful completion of one year of the project, the petitioner Institute vide their email dated 07.02.2018 submitted the budget for the centres to the respondents and in the said email, the split up for each centre inclusive of GST was provided.

(vi)The further case of the petitioner is that a WhatsApp group was created wherein periodic updates were posted and acknowledged by the respondents and other higher Officials who were members of



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

WEB COPY

the group and umpteen number of emails exchanged between the petitioner Institute and the respondents and its members.

(vii)The further case of the petitioner is that since the amount due to the petitioner Institute was not paid, the petitioner Institute made various representations to the respondents and on 07.09.2021, the petitioner Institute received letter dated 02.09.2021 from the first respondent that the claim of the petitioner made in representation dated 24.08.2020 was rejected. Hence, the petitioner has filed the writ petition.

(viii)The learned Senior Counsel appearing for the petitioner submitted that no fees was fixed in the MOU dated 17.10.2017 entered into between the petitioner Institute and the second respondent, however, on the assurance given by the Minister for School Education and the first respondent, that all expenses in pursuance to the project will be taken care by the Government, the petitioner Institute provided coaching classes in Tamil and English medium for Engineering and Medical Entrance Examinations, however, the amount due to the petitioner Institute was not paid which is un-sustainable.



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

(ix)The learned Senior Counsel appearing for the petitioner further submitted that though initially the petitioner Institute agreed to conduct free coaching classes for 100 centres, subsequently, they provided coaching for another 312 centres and to that extent, the petitioner Institute sent email to the Joint Director of School Education for providing purchase order in respect of 312 centres and no reply was received. Thereafter, they provided the centre names to the petitioner Institute for conducting coaching classes, however, contrary to the email communication, rejecting the petitioner's claim is not sustainable.

(x)The learned Additional Advocate General appearing for the respondents submitted that though there was email communication inbetween the petitioner Institute and the Joint Director of School Education for identification of the 312 coaching centres, mere identification of the coaching centres will not confer any right to the petitioner to claim money. In the absence of any agreement, claiming fees is not sustainable.

(xi)This Court perused the entire records. Perusal of the MOU dated 17.10.2017 entered into between the petitioner Institute and the



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

WEB COPY

second respondent. It reveals that the Government of Tamil Nadu had identified 412 Government Higher Secondary Schools to provide coaching classes in Tamil and English medium for Engineering and Medical Entrance Examinations; The Government shall provide all infrastructure and class room requirements given in Annexure – I to all the Schools and DIET Centres; in the case of 58 Schools/ Centres, where VSAT facility is available, the petitioner Institute may start formal coaching classes from third week of November, 2017; the petitioner Institute has come forward to support 100 centres for Competitive exams coaching through VSAT facilities free of cost, for the remaining Schools, installation process will be started after getting the confirmation from the Government following due procedure. On perusal of the MOU it is known that no fees was fixed for the petitioner Institute for conducting class.

(xii)Further, no proof has been filed before this Court to establish that the Government agreed to pay any amount for conducting coaching classes for the students of Government and Government Aided Schools. In the absence of any material, this Court cannot interfere with the order impugned in the writ petition. However, the



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

WEB COPY

issue involved is disputed question of fact which cannot be decided by this Court under Article 226 of the Constitution of India. It is left open to the parties to approach the competent Civil Court.

4.The review application is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

10.12.2021

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Principal Secretary,
Department of School Education,
Secretariat,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.



WEB COPY



Review Application (Writ) No.171 of 2021
Against W.P.No.20666 of 2021

M.DHANDAPANI,J.
pri

**Review Application (Writ)
No.171 of 2021
Against
W.P.No.20666 of 2021**

10.12.2021