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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KABALI KUMARESA BABU

W.P.NO.11100/2022
AND
WMP.NOS.10693, 10696 AND 10699/2022

Cambridge Matriculation Higher Secondary School
rep. by its Correspondent & Senior Principal
Dr.J.Robert Bellarmine, S/o.A.F.Joseph,
Agasthiarpatti, Ambasamudram,
Tirunelveli.

... Petitioner

-vs-

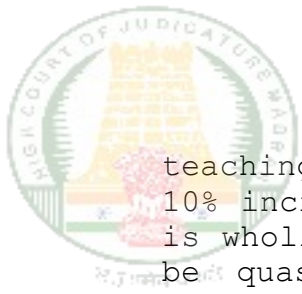
1. The Chairman,
Private Schools Fee Determination
Committee, DPI Campus,
Chennai-600 006.
2. The Special Officer,
Private Schools Fee Determination Committee,
DPI Campus, Chennai-600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent, quash the order dated 13.09.2021 and consequently, direct the respondents to permit the petitioner's school to collect the fee fixed by his school by virtue of status of a Christian Minority Unaided School (2320185) for the academic years 2020-21, 2021-22 and 2022-23 and for every forthcoming academic year as per Article 30 of the right of Minority Unaided Education Institution.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents : Mr.K.V.Sajeev Kumar,
Spl.Govt.Pleader for R1 and R2



teaching staffs also to be increased gradually every year, the 10% increase fixed by the School Committee in the impugned order is wholly untenable. Therefore, the impugned order is liable to be quashed. Moreover, the reasons assigned by the School Committee in the impugned order that the petitioner's school is conducting functions and celebrations which are having only a religious flavour and therefore, they cannot be taken into account, are wholly unjustifiable for developing the holistic personality of the students and the functions and celebrations being conducted by the petitioner's school cannot be discouraged as that would have serious ramification on the personality of the students.

4. Mr.K.V.Sajeev Kumar, learned Special Government Pleader takes notice for the respondents 1 and 2.

5. We are unable to find any justification in the argument of the learned Counsel for the petitioner. The reason being is very clear as the Private Schools Fee Determination Committee, Chennai, in its impugned order dated 13.09.2021 has specifically mentioned that the claims mentioned in Para 1-G were taken up for consideration. Since the school is conducting functions and celebrations which are having only religious flavour, the same are not compulsory and it is optional, therefore, the Committee has come to the conclusion that even the celebrations like Independence Day, Teachers Day, Children's Day, Gandhi Jayanthi and Republic Day also would be considered subject to proof of expenditure. Therefore, when the Committee has made it clear that only subject to the proof of expenditure being placed before the Committee by the School, the same would be taken into account, it is not known why the petitioner's School without placing all the evidences before the Committee for having conducted celebrations including the Independence Day, Teachers Day, Children's Day, Gandhi Jayanthi and Republic Day, has approached this Court. Moreover the impugned order further says that the rest of the claims under 1-G would be considered subject to relevant evidences to be placed. Therefore, it is clear that if the petitioner's school places all the expenditures incurred by them before the Private Schools Fee Determination Committee, the same would be considered. Since the Committee has made it clear that the fixation of higher fee would be subject to the production of documentary evidence for having held various functions mentioned supra, without placing any documentary evidence before the said Committee for hiking the annual fee every year starting from Pre K.G. till XII Standards, they cannot straight away come to this Court. Therefore, finding no justification in the writ petition, we are unable to entertain the same.



6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Private Schools Fee Determination
Committee, DPI Campus,
Chennai-600 006.
2. The Special Officer,
Private Schools Fee Determination Committee,
DPI Campus, Chennai-600 006.

+1cc to Mr.I.Arockia Selvaraj , Advocate, S.R.No.32297

+1cc to the Government Pleader, S.R.No.33002

W.P.No.11100 of 2022

PL(CO)
RLP(27/06/2022)