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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.26318/2021 and WMP.Nos.27784 and 27787/2021

ECI Christ Church Nursery and Primary School,
rep. by its Correspondent, Rev.Dr.K.S.Dhanaseelan,
No.2, Church Road, Radha Nagar, Pallavaram Chrompet,
Chennai-600 044.
School Code (0820098)

... Petitioner

-vs-

1.The Government of Tamil Nadu
rep. by its Principal Secretary,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Committee on Fixation of Fee
in respect of Unaided Private Schools
rep. by its Special Officer, DPI Compound,
College Road, 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 relating to the order of the 2nd respondent passed in its order dated 05.07.2021 and quash the same and direct the respondents to permit the petitioner School to collect the fee already fixed for the academic year 2019-2020 till a fresh order is passed based on the representation dated 26.08.2021 fixing the fee for the academic year 2021-2022.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents: Mr.Stalin Abimanyu, AGP

ORDER

(Order of the Court was made by T.RAJA, J.)

Challenging the order of the 2nd respondent dated 05.07.2021 and for quashing the same with a consequential direction to the respondents to permit the petitioner School to collect the fee



already fixed for the academic year 2019-2020 till a fresh order is passed based on the representation dated 26.08.2021 fixing the fee for the academic year 2021-2022, the present Writ Petition has been filed.

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2. Heard the learned Counsel on either side.

3. After some arguments, learned Counsels for both the parties have come to a consensus that when this Court also in its order dated 30.07.2021 passed in W.P.No.8490/2021 etc. batch has issued a direction that the petitioners (School Management of the concerned Private Unaided School) shall collect 85% of the annual school fees (based on the fee fixed for the academic year 2019-2020) for the academic year 2020-2021 in six instalments from those students/parties such as State and Central Government Employees, Public Sector Undertakings, Professionals and Business People etc., who have not suffered loss of income during the pandemic period, provided, if they have conducted online classes, they are ready to abide by the same.

4. At this stage, learned Counsel for the petitioner would submit that the petitioner's school also will collect 85% of the Annual School Fees for the academic year 2021-2022 in six instalments from those students/parties such as State and Central Government Employees, Public Sector Undertakings, Professionals and Business People etc., who have not suffered loss of income during the pandemic period. He would further submit that for the academic year 2020-2021 although the petitioner school has not submitted his previous expenditure for the year 2019-2020, he is also prepared to collect 75% of the fees as per the Circular issued by the Commissioner of School Education, Chennai for the academic year 2020-2021 in six instalments as that would give a quietus to both the parties.

5. Learned Additional Government Pleader appearing for the respondents would submit that as the petitioner has agreed to collect 85% of the Annual School Fee for the academic year 2021-2022 in six instalments from those students/parties such as State and Central Government Employees, Public Sector Undertakings, Professionals and Business People etc., who have not suffered loss of income during the pandemic period as per the Circular issued by the Commissioner of School Education, Chennai, and also 75% of the fees for the academic year 2020-2021, the petitioner school is permitted to collect the fees, namely, 85% for the academic year 2021-2022 and 75% for the academic year 2020-2021. It is applicable to those parents who suffered loss of income during 2020-2021.

6. With the above observation and direction, the Writ



Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Special Officer,
Committee on Fixation of Fee
in respect of Unaided Private Schools,
DPI Compound,
College Road, Chennai-600 006.

+1cc to M/s.Ebenezar Paul, Advocate, S.R.No.18626
+1cc to the Government Pleader, S.R.No.19165, 19157

W.P.No.26318 of 2021

NK(CO)
SB(19/05/2022)