



*W.P.Nos.28099, 28103, 28105, 28109 & 28115 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.Nos.28099, 28103, 28105, 28109 & 28115 of 2022**

**and**

**W.M.P.Nos.27379, 27381, 27382, 27385, 27387, 27388, 27391, 27392,  
27394, 27396, 27397, 27398, 27403, 27404 & 27405 of 2022**

St.James Matriculation School,  
Rep. By the Correspondent,  
Vembakkam, T.V.Puram,  
Ponneri, Thiruvallur – 601 204.

...Petitioner in WP.28099/22

St.Mary's Matriculation Higher Secondary School,  
Rep. by the Correspondent,  
Chinthalakuppam, Gummidipundi,  
Thiruvallur District.

...Petitioner in WP.28103/22

Sahayamatha Girls Higher Secondary School,  
Rep. by the Correspondent,  
B.D.Office, Minjur,  
Ponneri – 601 203, Thiruvallur District.

...Petitioner in WP.28105/22

St.Antony's Matriculation Higher Secondary School,  
Rep. by the Correspondent,  
No.5, Swaminathan Nagar, Kottivakkam,  
Chennai – 600 041, Chegnalpattu District.

...Petitioner in WP.28109/22



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Holy Child Matriculation Higher Secondary School,  
Rep. by the Correspondent,  
Naravarikuppam,  
Redhills, Chennai – 600 052.

...Petitioner in WP.28115/22

Vs.

1. Director of Matriculation Schools,  
Directorate of Matriculation Schools,  
DPI Campus, Chennai – 600 006.

2. The Private Schools Fee Determination Committee,  
Rep by its Special Officer,  
PTA Building, DPI Campus,  
College Road, Chennai – 600 006.

...Respondents in all WPs

**Prayer in W.P.No.28099 of 2022:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned communication dated 05.06.2022, on the file of the 2<sup>nd</sup> respondent, and quash the same, consequently directing the respondents to permit the petitioner School to follow the fee structure of the year 2021-2022 as determined by the 2<sup>nd</sup> respondent on 24.11.2021, also for the current academic year, in accordance with Sec.6(5) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.



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**Prayer in W.P.No.28103 of 2022:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned communication dated 05.06.2022, on the file of the 2<sup>nd</sup> respondent, and quash the same, consequently directing the respondents to permit the petitioner School to follow the fee structure of the year 2021-2022 as determined by the 2<sup>nd</sup> respondent on 16.11.2021, also for the current academic year, in accordance with Sec.6(5) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.

**Prayer in W.P.No.28105 of 2022:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned communication dated 05.06.2022, on the file of the 2<sup>nd</sup> respondent, and quash the same, consequently directing the respondents to permit the petitioner School to follow the fee structure of the year 2021-2022 as determined by the 2<sup>nd</sup> respondent on 07.02.2022, also for the current academic year, in accordance with Sec.6(5) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.

**Prayer in W.P.No.28109 of 2022:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned communication dated



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05.06.2022, on the file of the 2<sup>nd</sup> respondent, and quash the same, consequently directing the respondents to permit the petitioner School to follow the fee structure of the year 2021-2022 as determined by the 2<sup>nd</sup> respondent on 22.11.2021, also for the current academic year, in accordance with Sec.6(5) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.

**Prayer in W.P.No.28115 of 2022:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned communication dated 05.06.2022, on the file of the 2<sup>nd</sup> respondent, and quash the same, consequently directing the respondents to permit the petitioner School to follow the fee structure of the year 2021-2022 as determined by the 2<sup>nd</sup> respondent on 24.11.2021, also for the current academic year, in accordance with Sec.6(5) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.

For Petitioner : Dr.Fr.A.Xavier Arulraj,  
Senior Advocate  
for Father Xavier Associates

For Respondents : Mrs.Mythreye Chandru,  
Special Government Pleader for R1 and R2

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## **COMMON ORDER**

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(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in these writ petitions by the private minority schools is to the order of the 2<sup>nd</sup> respondent viz., the The Private Schools Fee Determination Committee appointed under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009, rejecting their request for following the fee determined for the Academic Year 2019-20.

2. The Fee Fixation Committee which has been constituted under the said enactment had originally by its order dated 26.07.2017 fixed the fee for the petitioner school in WP.No.28099 of 2022 as follows:-

### **Fee Structure for 2019-20**

| <i>Class</i> | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|--------------|-------------------------|-------------------------|---------------|
| LKG          | 36                      | 16940                   | 609840        |
| UKG          | 57                      | 16940                   | 965580        |
| I            | 53                      | 18150                   | 961950        |
| II           | 46                      | 18150                   | 834900        |
| III          | 53                      | 18150                   | 961950        |
| IV           | 53                      | 18150                   | 961950        |
| V            | 46                      | 18150                   | 834900        |
| VI           | 31                      | 19360                   | 600160        |



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| <i>Class</i> | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|--------------|-------------------------|-------------------------|---------------|
| VII          | 38                      | 19360                   | 735680        |
| VIII         | 40                      | 19360                   | 774400        |
| IX           | 33                      | 20570                   | 678810        |
| X            | 42                      | 20570                   | 863940        |
| XI           | 0                       | 0                       | 0             |
| XII          | 0                       | 0                       | 0             |

By order dated 22.09.2017, the Fee Fixation Committee fixed the fee for the petitioner school in WP.No.28103 of 2022 as follows:-

**Fee Structure for 2019-20**

| <i>Class</i>                      | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|-----------------------------------|-------------------------|-------------------------|---------------|
| Pre KG if available/<br>LKG & UKG | 283                     | 8350                    | 2363050       |
| I - V                             | 772                     | 10345                   | 7986340       |
| VI - VIII                         | 331                     | 12340                   | 4084540       |
| IX & X                            | 238                     | 15970                   | 3800860       |
| XI & XII                          | 268                     | 20160                   | 5402880       |

By order dated 28.07.2017, the Fee Fixation Committee fixed the fee for the petitioner school in WP.No.28105 of 2022 as follows:-



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### Fee Structure for 2019-20

| <i>Class</i> | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|--------------|-------------------------|-------------------------|---------------|
| LKG          | 0                       | 0                       | 0             |
| UKG          | 0                       | 0                       | 0             |
| I            | 0                       | 0                       | 0             |
| II           | 0                       | 0                       | 0             |
| III          | 0                       | 0                       | 0             |
| IV           | 0                       | 0                       | 0             |
| V            | 0                       | 0                       | 0             |
| VI           | 0                       | 0                       | 0             |
| VII          | 0                       | 0                       | 0             |
| VIII         | 0                       | 0                       | 0             |
| IX           | 0                       | 0                       | 0             |
| X            | 0                       | 0                       | 0             |
| XI           | 138                     | 9680                    | 1335840       |
| XII          | 169                     | 13310                   | 2249390       |

By order dated 24.07.2017, the Fee Fixation Committee fixed the fee for the petitioner school in WP.No.28109 of 2022 as follows:-

### Fee Structure for 2019-20

| <i>Class</i>         | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|----------------------|-------------------------|-------------------------|---------------|
| Pre KG if available/ | 235                     | 10525                   | 2473375       |



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| <i>Class</i> | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|--------------|-------------------------|-------------------------|---------------|
| LKG & UKG    |                         |                         |               |
| I - V        | 663                     | 13615                   | 9026745       |
| VI - VIII    | 491                     | 15125                   | 7426375       |
| IX & X       | 233                     | 16335                   | 3806055       |
| XI & XII     | 180                     | 18150                   | 3267000       |

By order dated 29.05.2017, the Fee Fixation Committee fixed the fee for the petitioner school in WP.No.28115 of 2022 as follows:-

**Fee Structure for 2019-20**

| <i>Class</i>                      | <i>Student Strength</i> | <i>Annual Fee (Rs.)</i> | <i>Income</i> |
|-----------------------------------|-------------------------|-------------------------|---------------|
| Pre KG if available/<br>LKG & UKG | 272                     | 10890                   | 2962080       |
| I - V                             | 649                     | 13190                   | 8560310       |
| VI - VIII                         | 322                     | 15730                   | 5065060       |
| IX & X                            | 227                     | 17545                   | 3982715       |
| XI & XII                          | 153                     | 19965                   | 3054645       |

3. This fixation was directed to continue for a period of 3 years. In view of the pandemic this Court intervened and passed orders directing the schools to collect 75% of fees fixed for the academic year 2019-20 during the academic year 2020-21 and 85% of the fee fixed for the academic year 2019-



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20 during the academic year 2021-22.

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4. In the interregnum, the re-constituted Fee Fixation Committee by order dated 24.11.2021 fixed the fees for the academic year 2021-22 for the petitioner in WP.No.28099 of 2022 as follows:

**Fee Structure for 2021-22  
(Approval)**

| <i>Class</i> | <i>Annual Fee<br/>(Rs.)</i> |
|--------------|-----------------------------|
| LKG          | 6000                        |
| UKG          | 6340                        |
| I & II       | 6880                        |
| III & IV     | 7200                        |
| V - VII      | 7540                        |
| VIII         | 7880                        |
| IX           | 8200                        |
| X            | 8880                        |

By order dated 16.11.2021 fixed the fees for the academic year 2021-22 for the petitioner in WP.No.28103 of 2022 as follows:

**Fee Structure for 2021-22**

| <i>Class</i>                      | <i>Annual Fee<br/>(Rs.)</i> |
|-----------------------------------|-----------------------------|
| Pre KG if available/<br>LKG & UKG | 7150                        |



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| <i>Class</i> | <i>Annual Fee<br/>(Rs.)</i> |
|--------------|-----------------------------|
| I – V        | 8000                        |
| VI – VIII    | 9000                        |
| IX & X       | 10000                       |
| XI & XII     | 11550                       |

By order dated 07.02.2022 fixed the fees for the academic year 2021-22 for the petitioner in WP.No.28105 of 2022 as follows:

**Fee Structure for 2021-22**

| <i>Class</i>          | <i>Annual Fee<br/>(Rs.)</i> |
|-----------------------|-----------------------------|
| <b>ENGLISH MEDIUM</b> |                             |
| XI & XII              | 10850                       |
| <b>TAMIL MEDIUM</b>   |                             |
| XI & XII              | 8000                        |

By order dated 22.11.2021 fixed the fees for the academic year 2021-22 for the petitioner in WP.No.28109 of 2022 as follows:

**Fee Structure for 2021-22**

| <i>Class</i>                      | <i>Annual Fee<br/>(Rs.)</i> |
|-----------------------------------|-----------------------------|
| Pre KG if available/<br>LKG & UKG | 5600                        |
| I – V                             | 6400                        |



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| <i>Class</i> | <i>Annual Fee<br/>(Rs.)</i> |
|--------------|-----------------------------|
| VI – VIII    | 8000                        |
| IX & X       | 10000                       |
| XI & XII     | 11000                       |

By order dated 24.11.2021 fixed the fees for the academic year 2021-22 for the petitioner in WP.No.28115 of 2022 as follows:

**Fee Structure for 2021-22**

| <i>Class</i>                      | <i>Annual Fee<br/>(Rs.)</i> |
|-----------------------------------|-----------------------------|
| Pre KG if available/<br>LKG & UKG | 6600                        |
| I – V                             | 7700                        |
| VI – VIII                         | 8500                        |
| IX & X                            | 9600                        |
| XI & XII                          | 10500                       |

5. The petitioners sent representations on 16.04.2022 seeking permission to collect the fee that was determined for the academic year 2019-20. This was rejected by the Committee by a single line order stating that there is no provision for considering such request. This impelled the petitioners to come up with these writ petitions, wherein the prayers read as



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follows:-

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*To call for the records, pertaining to the impugned communication dated 05.06.2022, on the file of the 2<sup>nd</sup> respondent, and quash the same, consequently direct the respondents to permit the petitioners Schools to follow the fee structure of the year 2021-2022 as determined by the 2<sup>nd</sup> respondent on 24.11.2021, 16.11.2021, 07.02.2022, 22.11.2021 and 24.11.2021 also for the current academic year, in accordance with Sec.6(5) of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009.*

6. We have heard Dr.Father A.Xavier Arulraj, learned Senior Counsel appearing for the petitioner and Mrs.Mythreye Chandru, learned Special Government Pleader for the respondents 1 and 2.

7. Dr.Father A.Xavier Arulraj, learned Senior Counsel appearing for the petitioner would submit that though the schools have made requests to collect the fees fixed for academic year 2019-20 based on the orders of the Division Bench, the prayer now made is slightly different and they want to



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collect the fee fixed by the Committee for the academic year 2021-22, which is lesser than the fee fixed for the academic year 2019-20, for the academic year 2022-23 also.

8. He would submit that the claim of the Committee that there is no provision to consider such request is apparently not correct, since the very provision which prescribes the factors for determination of fees viz., Section 6 of the Tamil Nadu Schools (Regulation of Collection of Fees) Act, 2009 vests the discretion in them to either approach the Committee or to collect the fee already fixed. Particular reference is made by the learned Senior Counsel to Sub-Section 5 of Section 6 which reads as follows:-

*(5) The orders passed by the committee shall be final and binding on the private school for three academic years. At the end of the said period, the private school would be at liberty to apply for revision.*

9. A very reading of the provision, according to the learned Senior Counsel, would demonstrate that it is open to the Institution to waive the liberty / right to apply for revision. Therefore, according to the learned



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Senior Counsel the rejection of the request is not justified.

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**10.** Mrs.Mythreye Chandru, learned Special Government Pleader appearing for the respondents would upon instruction submit that if the petitioners want to collect the fee fixed by the Committee for the academic year 2021-22 for the academic year 2022-23 the Government would have no objection. She would point out to the representation made by the respective petitioners during April 2022 seeking to collect the fee fixed for the academic year 2019-20 which was much higher. The option to seek revision is with the schools. It is open to the schools to waive the right to seek revision, but they shall ensure that they collect the latest fee fixed by the Committee and not the earlier years because the fee fixed for the academic year 2021-22 is less than the fee fixed for the academic year 2019-20 since the pandemic situation was taken into account by the Committee while fixing the fee for the academic year 2021-22.

**11.** The Government cannot insist that the schools must collect higher fee. If the schools do not want a revision they can waive the right and collect the latest fee fixed by the Committee. We are therefore unable to



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sustain the order of the 2<sup>nd</sup> respondent Committee. If only the 2<sup>nd</sup> respondent had clarified that it will be open to the schools to collect the fee fixed by the latest order of the Committee these writ petitions could have been avoided.

**12.** In view of the above, these writ petitions are **allowed**. The petitioners schools are permitted to collect the fee fixed by the Committee for the academic year 2021-22 for ensuing academic year 2022-23 also. No costs. Consequently, the connected writ miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)  
20.10.2022

dsa

Index :No

Internet :Yes

Speaking order

To:-

1. Director of Matriculation Schools,  
Directorate of Matriculation Schools,  
DPI Campus, Chennai – 600 006.
2. The Private Schools Fee Determination Committee,  
Rep by its Special Officer,  
PTA Building, DPI Campus,

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**R.SUBRAMANIAN, J.**  
**and**  
**K.KUMARESH BABU, J.**

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