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WP(MD)No.21792 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WP(MD)No.21792 of 2021

Mr.P.G.Pitchaiah

: Petitioner

Vs.

1.The Director,
The Directorate of Vigilance and
Anti Corruption,
No.293, M.K.N. Road,
Alandur, Chennai-16.

2.Ramasamy Pillai Higher Secondary School,
Rep. By its Secretary,
Ilanji, Via Tenkasi,
Tenkasi District-627 805.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st respondent to initiate enquiry against the second respondent on the representation, dated 14/07/2021 given by this petitioner and pass within a time frame as may be fixed by this court.

For Petitioner : Mr.B.Rajesh Saravanan

For 1st Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For 2nd Respondent : Mr.D.Nallathambi



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This writ petition has been filed seeking for a direction to the 1st respondent to initiate enquiry against the 2nd respondent, based on the representation, dated 14/07/2021 given by the petitioner.

2.The facts in brief:-

The second respondent school is an aided private school, which is governed under the provisions of Tamil Nadu Educational Institutions (Prohibition of Collection of Caption of Fee (Bill), followed by the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009. So as per the above said Act, no aided school shall collect fee in excess of the fee fixed by the Government. A Committee was appointed under the Chairmanship of a Retired High Court Judge. So the second respondent has no authority to fix the fee on their own. For 5th and 6th standard, they have collected nearly Rs.21,63,300/- for the period 2017-2018, which are tabulated in the petition. Similarly, the fee, that was collected for the Tamil Medium students for the academic year 2016-2017 also comes around Rs.21,00,000/-. But as per the Government Order, for the Tamil Medium



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students, there is no fee in force. For the year 2017-2018 also, they have collected Rs.21,00,000/-. Totally, Rs. 63,00,000/- has been collected un-authorisedly.

3.By the above said process, they have collected more than Rs.80,00,000/- from the Tamil Medium and English Medium students. So the petitioner made a representation to the first respondent, on 10/12/2019. He was informed that necessary action has been initiated, as per the order, dated 23/12/2019. But till today, no enquiry has been undertaken and not even started preliminary enquiry. So seeking a direction, he filed WP(MD)No.16148 of 2020. At that time, the learned Additional Public Prosecutor has submitted that action has been initiated by following the procedures. Based upon the above said submission only, that writ petition was disposed of. But even after the disposal of the above said writ petition, no proper action has been taken. Hence, this petition.

4.Heard both sides.

5.The learned Additional Public Prosecutor would submit that by order, dated, 12/02/2022, the Superintendent



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of Police, South Range, addressed the proceedings to the Director of School Education, Nungambakkam, Chennai stating that the preliminary enquiry report was not received by the office and the pendency of this writ petition has also been noted. He has also produced the status report.

6.Since the enquiry report has been awaited from the Director of School Education, Chennai, the learned Additional Public Prosecutor would submit that as soon as the enquiry report is received, further action will be taken. So far the preliminary report has not been received from the Director of School Education, Chennai, the first respondent may proceed in accordance with law.

7.With the above said observation, this writ petition is disposed by directing the 1st respondent that if no enquiry report is received within a period of four weeks from the date of receipt of a copy of this order, then the first respondent may proceed in accordance with law.

8.Accordingly, this writ petition stands **disposed of**.
No costs.



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Internet:Yes/No
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

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- 1.The Director,
The Directorate of Vigilance and
Anti Corruption,
No.293, M.K.N. Road,
Alandur, Chennai-16.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G . ILANGO VAN, J . ,

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