



W.P.No.7854 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7854 of 2020
And
W.M.P.No.9269 of 2020**

C.Raja

... Petitioner

Vs.

- 1.The Secretary to Government
Office of Principal Secretary,
Secretariat,
Chennai.
- 2.The Principal Secretary
Tamil Nadu Board for Matriculation Schools,
DPI Complex,
Chennai – 600 006.
- 3.The Director
DPI Complex,
Tamil Nadu Board Matriculation School,
Chennai – 600 006.
- 4.The Chief Educational Officer
Office of Chief Educational Officer,
Collector Office Building,
Salem.
- 5.The District Educational Officer
Office of District Educational Officer,
Govt. Higher Sec. School Building,
Edappadi.



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6.The Management
Monfort Matriculation School,
Kolathur,
Mettur Taluk,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent authorities to take appropriate action against the 6th respondent for collection of excess fees over and above the fees fixed by the fee determination committee for all standard of classes in the 6th respondent school under Section 3 and 7 of The Tamil Nadu Schools (Regulation of Collection of Fees) Act, 2009 and refund the amount collected in excess of the fees fixed by the fee determination committee.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.P.Sathish for R1 to R5
Additional Government Pleader
Mr.A.Sundaravadhanan for R6

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent Authorities to take appropriate action against the sixth respondent for collection of excess



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fees over and above the fees fixed by the Fee Determination Committee for all standard of classes in the sixth respondent School under Sections 3 and 7 of The Tamil Nadu Schools (Regulation of Collection of Fees) Act, 2009 and refund the amount collected in excess of the fees fixed by the Fee Determination Committee.

2.The learned counsel appearing for the petitioner submitted that the petitioner admitted his daughter in LKG for the academic year 2019 – 2020 in the sixth respondent School and at the time of admission, the sixth respondent collected fees over and above the fees fixed by the Fee Determination Committee, from the petitioner. Hence, the petitioner made representation dated 05.07.2019 to the official respondents seeking to take action against the sixth respondent and for refund of the excess amount collected by the sixth respondent. Thereafter, the third respondent vide proceedings dated nil.07.2019, forwarded the petitioner's representation to the fourth respondent for taking appropriate action and the fourth respondent vide proceedings dated 13.08.2019 forwarded the same to the fifth respondent for taking appropriate action, however, no action was taken by the official respondents. Hence, this Court may issue direction to the fourth



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respondent to consider the petitioner's representation dated 05.07.2019 and to conduct enquiry inbetween the petitioner and the sixth respondent and to pass appropriate orders, after providing opportunity to the petitioner and the sixth respondent.

3.Mr.A.Sundaravadhanan, the learned counsel appearing for the sixth respondent submitted that the sixth respondent has not collected any amount over and above the fees fixed by the Fee Determination Committee and the representation made by the petitioner is frivolous one, however, this Court may direct the fourth respondent to give opportunity to the sixth respondent before passing orders on the petitioner's representation.

4.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 05.07.2019, to conduct enquiry inbetween the petitioner and the sixth respondent and to pass appropriate orders, on merits and in accordance with law, after providing opportunity to the petitioner and the sixth respondent, within a period of six weeks from the date of receipt of a copy of this order.



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5.The writ petition is accordingly disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

01.06.2023

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

To

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M.DHANDAPANI,J.
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