



W.P.No.10390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10390 of 2023

Sri Shanmuka Matric Higher Secondary School,
Rep.by its Correspondent Mr.R.S,Senthilkumar,
having office 72, New Bypass Road,
Mannargudi, Tiruvarur District,
Tamil Nadu-614001.

.....Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Director of Matriculation Schools,
College Road, Chennai-600 006.
4. The Chief Educational Officer,
First Floor, Collectorate Annexe Building,
Thiruvarur-610 004.
- 5.District Educational Officer,
Ground Floor, Collectorate Annexe Building,
Thiruvarur-610 004.

.....Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ, Order or Direction more particularly in the nature of Writ of Mandamus to direct the Respondents to reimburse the expenditure of Rs.7,91,127/- (Rupees Seven Lakhs Ninety One Thousand One Hundred and Twenty Seven only) incurred by the Petitioner under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 for the year 2020-2021.

For petitioner : M/s.B.Vikram Veerasamy

For Respondents : Mr. E.Veda Bagath Singh,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to reimburse the expenditure of Rs.7,91,127/- incurred by the Petitioner under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 for the year 2020-2021



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2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for Respondents.

3. It is the case of the petitioner that the petitioner School is a private unaided school wherein atleast 25% of the children belonging to weaker section and disadvantaged group in the neighbourhood have to be admitted in pre-school and free and compulsory education has to be provided to such students until their completion of studies as per 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. However, the said procedure was duly followed and the petitioner school is entitled for reimbursement of the said expenditure under the Act. As per the oral information received from CEO office, the petitioner is entitled only for 75% of the expenditure. Accordingly, a sum of Rs.6,00,039.77/- was deposited to the petitioner's account, however, the remaining amount is yet to be received from the respondents. Therefore, a representation was made by the petitioner's school on 01.09.2022 to the 4th respondent seeking disbursement of the balance expenditure. However, till date, no action has been taken on the same. Hence, this Writ Petition.



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4. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents to disburse the remaining amount to the petitioner based on the representation made by the petitioner on 01.09.2022 and pass appropriate orders on the same on merits and in accordance with law.

5. On the above contention, this Court heard the learned Additional Government Pleader appearing for respondents.

6. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the petitioner to submit a copy of the representation dated 01.09.2022 to the 4th respondent along with the copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 4th respondent is directed to consider the representation made by the petitioner and pass appropriate orders on the same on merits within a period of four weeks thereafter.



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7. This Writ Petition stands disposed of with the aforesaid direction. Consequently, the connected Miscellaneous Petition stands closed. No Costs.

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Index : Yes/No

Internet : Yes

NHS

To

1. The Secretary
State of Tamil Nadu,
Department of School Education,
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2. The Director of School Education,
College Road, Chennai-600 006.
3. The Director of Matriculation Schools,
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M.DHANDAPANI, J.

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