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W.P.No.14848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.14848 of 2023
and W.M.P.Nos.14424 & 14425 of 2023**

Sri Sayee Vivekananda Vidyalaya
Matriculation Higher Secondary School,
Rep. by its Corespondent,
6th Main Road, 2nd Block,
Muthamizh Nagar, Kodungaiyur,
Chennai 600 118.

... Petitioner

Vs.

The Tamil Nadu Private Schools Fee Determination Committee
Rep. by its Chairman,
Perasiriar Anbazhagan Kalvi Valagam,
Chennai 600 006.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of the respondent ending with its orders dated 26.08.2022 and 08.03.2023 communicated through emails dated 12.01.2023 and 09.03.2023 respectively and quash the same and direct the respondent to consider the case of the petitioner in the light of the judgment of the Division Bench of this Honorable Court in *Lakshmi Matriculation School Case* (reported in 2012 WLR 489)



W.P.No.14848 of 2023

and *Vivekananda Matriculation School Case* (W.P. No.38383 of 2015)

WEB COPY

For Petitioner : Mr.Kandhan Duraisami

For Respondent : Ms.Kaavya

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed challenging the orders dated 26.08.2022 and 09.03.2023 respectively, whereby the petitioner's objection with regard to fixation of fee by the respondent committee has been rejected.

2.The petitioner School is a Private Educational Institution, started in the year 2003-2004 with the recognition and approval of the authorities concerned.

3.The Government of Tamil Nadu enacted the Tamil Nadu Schools (Regulation of collection of Fee) Act 2009 (Tamil Nadu Act 22 of 2009), hereinafter referred to as 'the Act' and the Tamil Nadu Schools (Regulation of Collection of fee) Rules, 2009, hereinafter referred to as 'the Rules', for the purpose of regulation of collection of fee by un-aided Schools. Accordingly, the Private Schools Fee Determination Committee has determined the fee



W.P.No.14848 of 2023

structure for the petitioner School for the academic years from 2019 – 2000, 2020 – 2021 and 2021 – 2022.

4. Aggrieved over the fixation of fee by the respondent Committee, petitioner School submitted its application, under Section 7 (2) (i) of the Act. However, the respondent Committee by its communication dated 26.08.2022 drastically reduced the fee structure pertaining to the petitioner School, for the academic years 2022-2023, 2023 – 2024 and 2024-2025 as against the fee structures already determined for the academic years 2019 – 2020, 2020-2021 and 2021-2022.

5. As against the rejection of fee structure, the petitioner School preferred an appeal dated 28.02.2023 to the respondent committee along with all documentary evidences for the actual expenditure incurred by the petitioner School. The respondent Committee by its order dated 08.03.2023 rejected the request of the petitioner stating as follows:-

“The Committee has been entertaining objection petitions even beyond the time limit referred to above, but filed within a reasonable time. But in this case the objections are belated by several months.”



W.P.No.14848 of 2023

Hence the present Writ Petition.

WEB COPY

6.The learned counsel for the petitioner would submit that the order of the respondent Committee reducing the fee structure dated 26.08.2022 was communicated to the petitioner School only on 12.01.2023, after expiry of about 5 months. Further the respondent Committee rejected the appeal preferred by the petitioner dated 28.02.2023, on technical ground that the objections are belated by several months.

7.The learned counsel appearing for the respondent filed counter before this Court, wherein it has been held that the respondent Committee is willing to consider the objections raised by the petitioner in its objection petition dated 28.02.2023, afresh and prayed to fix a timeframe.

8.In the light of the submissions made by the learned counsel for the respondent, this Court set aside the the orders impugned in this Writ Petition and the objection petition dated 28.02.2023 is remanded back to the respondent Committee for fresh consideration. The respondent Committee shall afford the opportunity of personal hearing to the petitioner School and



W.P.No.14848 of 2023

pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B,J.)

(N.M, J.)

17.10.2023

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

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To

The Chairman

Tamil Nadu Private Schools Fee Determination Committee

Perasiriar Anbazhagan Kalvi Valagam,

Chennai 600 006.



WEB COPY



W.P.No.14848 of 2023

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17.10.2023