



WEB COPY



W.P.No.18821 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.18821 of 2021

and

W.M.P.Nos.20121 & 20123 of 2021

St.Paul's Nursery & Primary School,
No.195, A-Alagannan Street,
Saibaba Colony,
K.K.Puduhur,
Coimbatore – 641 038,
represented by its Correspondent

... Petitioner

Vs.

1.The Private School Fee Determination Committee,
P.T.A.Building,
DPI Complex,
College Road,
Chennai – 600 006,
represented by its Special Officer.

2.The Director of School Education,
DPI Complex,
College Road,
Chennai – 600 006.

... Respondents



W.P.No.18821 of 2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to the determination of fee pertaining to the petitioner school and quash the orders dated 15.12.2020 and 02.02.2021 and consequently direct the 1st respondent to determine the fee chargeable by the petitioner school on the basis of the particulars furnished by them.

For Petitioner	:	Mr.R.Sivakumar
For R1	:	Mr.S.Silambanan Senior Counsel for M/s.Kaviya Silambanan
For R2	:	Mr.R.Kumaravel Additional Government Pleader

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the Private School Fee Determination Committee dated 15.12.2020 and the subsequent order dated 02.02.2021 and consequently, to direct the 1st respondent to determine the fee chargeable by the petitioner School on the basis of the particulars



W.P.No.18821 of 2021

furnished by them.

WEB COPY

2.It is stated in the affidavit filed in support of the writ petition that the petitioner School was established in the year 1987 within the Coimbatore Corporation limits. The petitioner School is being run for more than 33 years. Earlier, the 1st respondent determined the annual fee chargeable from the students for the years 2017-18, 2018-19 and 2019-20. The fee fixed by the Committee for the year 2019-20 was Rs.6,900/- in the case of LKG & UKG and Rs.8,170/- in the case of Classes I to V. It is stated that the average strength of the petitioner School was around 500. Referring to the infrastructure, number of faculty members and other services that are provided to the students, the petitioner expressed its grievance even for the fees fixed by the Committee for the years 2017-18 to 2019-20. It is the case of the petitioner that, during 2019-20, there were only 300 students and for the subsequent year, the pupil strength was further reduced to 160. In the said circumstances, the petitioner was expecting the 1st respondent to revise and determine the annual fee chargeable for the subsequent years more than which was collected for the previous years. The 1st respondent Committee,



W.P.No.18821 of 2021

by impugned order dated 15.12.2020, reduced the fee chargeable from Rs.6,900/- to Rs.4,000/- in the case of LKG and UKG for the year 2020-21 and in the case of Classes I to V, the fee was reduced from Rs.8,170/- to Rs.5,150/- for the year 2020-21. Though the petitioner raised objections before the Committee and requested for enhancement by referring to expenditure accounts, students strength, and other factors, the Committee, by subsequent order dated 02.02.2021, raised the fee from Rs.4,000/- to Rs.4,750/- in the case of LKG and UKG for the year 2020-21 and in the case of Classes I to V, the fee was raised from Rs.5,150/- to Rs.5,500/- for the year 2020-21.

3.For the years 2021-22 and 2022-23, the fee originally fixed by the Committee by order dated 15.12.2020 can be seen from the following table :

<i>Class</i>	<i>Student Strength</i>	<i>2021-22 Fees (Rs.)</i>	<i>2022-23 Fees (Rs.)</i>
Pre KG if available/ LKG & UKG	91	4400	4840
I – V	301	5665	6230

By the subsequent order dated 02.02.2021, the fee structure was again revised by the Fee Committee for the years 2021-22 and 2022-23, as can be



W.P.No.18821 of 2021

seen from the following table :

<i>Class</i>	<i>Student Strength</i>	<i>2021-22 Fees (Rs.)</i>	<i>2022-23 Fees (Rs.)</i>
Pre KG if available/ LKG & UKG	91	5225	5750
I – V	301	6050	6655

4. Aggrieved by the same, the above writ petition is filed.

5. The main ground on which the petitioner has approached this Court is that the order passed by the 1st respondent is arbitrary and violative of Article 14 of the Constitution of India. It is the petitioner's specific case that no reason was given by the 1st respondent to reduce the annual fee as determined by the Committee earlier for the previous years. Learned counsel for the petitioner submitted that the impugned orders passed by the 1st respondent are in violation of principles of natural justice and the 1st respondent has not considered the documents that were relied upon by the petitioner.

6. Even though the Committee revised its original order by a



W.P.No.18821 of 2021

subsequent order dated 02.02.2021 increasing the fees marginally, this Court finds no discussion as to on what basis the subsequent order was passed.

Considering the fact that the petitioner was not heard in support of the documents filed by them, this Court is of the view that the order of the Fee Committee is not in adherence to the principles of natural justice. Since the reduction of student's strength and the total expenditure by the petitioner ought to have been considered by giving a fair opportunity to the petitioner with reference to the documents that were submitted by them, this Court is of the view that the impugned orders cannot be sustained.

7.It is in the said circumstances, the impugned orders are set aside and the matter is remitted to the 1st respondent Fee Committee to fix the fees in accordance with law, after hearing the petitioner and considering the documents submitted by the petitioner. In order to enable the Fee Committee to focus on the issues, it is open to the petitioner to give its objections with reference to the documents on record to support their case, so that the Committee will focus on those issues and decide the same.



W.P.No.18821 of 2021

8. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

9. In view of the above order remitting the matter back to the 1st respondent, Registry is directed to return the original impugned orders to the petitioner without requiring a formal application from the petitioner.

(S.S.S.R., J.) (N.S., J.)
06.02.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Special Officer,
Private School Fee Determination Committee,
P.T.A. Building,
DPI Complex,
College Road,
Chennai – 600 006,

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.



W.P.No.18821 of 2021

mkn

WEB COPY

2.The Director of School Education,
DPI Complex,
College Road,
Chennai – 600 006.

W.P.No.18821 of 2021

06.02.2024