



WEB COPY

W.P.No.18062 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18062 of 2018

M.Gopi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St. George, Chennai- 600 009.

2.The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai – 600 006.

3.The Inspector of Matriculation Schools,
No.46, B MAS Complex 1st Floor,
Vilakadi Koil Street, (Above DEO Office,
MM Avenue), Kancheepuram – 631 501.

4.Rosily Matriculation Higher Secondary
School, Represented by its Principal,
No.3, 1st Street, Rosily Nagar, 95,
Chitlapakkam Main Road,
Chitlapakkam, Chennai – 600 044.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondents, especially the 2nd respondent relating to his proceedings made in his proceedings made in O.Mu.No.6919/E3/2018, dated 04.05.2018 holding that, “except Tuition Fees, other expenses, viz, 'School Books', 'Note Books', 'Writing Articles', 'SMS', 'Smart Class', 'Bus Fare' has to be paid and for which the Government will not compensate” is not applicable, but altogether contravening to the provisions of 'The Right of Children to Free & Compulsory Education Act, 2009' and quash the same as null and void in so far as the petitioner's son attached to the 4th respondent/school is concerned and consequently directing the 4th respondent to impart free education to the petitioner's son strictly carrying out the provisions of the Act without claiming any extra fees or charges in any manner whatsoever till completion of his Elementary Education, besides initiating appropriate stringent action against the 4th respondent/School by the authorities who have granted recognition for not implementing the provisions of the Act in so far as the petitioner is concerned.

For Petitioner	: Ms.Swetha.S
For R1 to R3	: Mr.G.Krishnaraja Additional Government Pleader
For R4	: Mr.T.Sivagnasambandam



ORDER

The order dated 04.05.2018 passed by the Director of Matriculation Schools stating that the Government pay the educational charges in respect of the students admitted under the Right of Children to Free and Compulsory Education Act, 1990 (quota).

2. The learned Counsel for the petitioner would submit that the schools cannot demand other charges also. What are all the charges which can be recovered by the Matriculation Schools and what are all the charges which is to be paid by the Government had been already instructed by the Department. As per the Report of the Inspector of Matriculation Schools, the educational charges including fees alone will be paid by the Government. Other charges are to be met out by the parents of the students.

3. The learned Government Pleader furnished a copy of the Certificate issued by the Principal, Rolisy Matriculation Higher Secondary School dated 10.01.2024, where in it is found that the petitioner has already obtained Transfer Certificate (TC) from the school and the student as of now is not a student in the said school.



4. That being so, no further adjudication is required. However, a legal issue at large is left for adjudication in appropriate case.

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Accordingly, the Writ Petition stands dismissed. No costs.

12.01.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

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S.M.SUBRAMANIAM, J.



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