



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.26938 of 2023
And
WMP No.26367 of 2023**

G.Pandian

.. Petitioner

-VS-

- 1.The District Collector,
Collectorate,
Tiruvarur District,
Tiruvarur.
- 2.The Director of School Education,
No.17, DPI Complex,
College Road,
Subba Road Avenue,
Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
CEO Office,
Tiruvarur and Post,
Tiruvarur District.



4.The Correspondent,
Trinity Academy Senior Secondary School,.
KTR Estates,
Nagai Bye Pass Road,
Tiruvarur – 610 001,
Tiruvarur District.

5.The District Educational Officer
(Private Schools),
Tiruvarur and Post,
Tiruvarur District.

6.The Special Officer,
The Central Board of Secondary Education (CBSE),
Chennai Region,
New No.3, Old No.1630 A “J” Block,
16th Main Road,
Anna Nagar West,
Chennai.

7.The Central Board of Secondary Education (CBSE),
Shiksha Kendra,
No.2, Community Centre,
Breet Vihar,
New Delhi – 100 092.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to conduct an enquiry over the unlawful claim made by the fourth respondent-School and to determine the justifiable school fees to be paid by the petitioner's daughter and consequently direct the fourth



respondent to provide the textbooks/notebooks etc., to the student as interim measure to enable her to continue the education.

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For Petitioner : Mr.K.M.Subrahmaniam
For Respondents-1 to 3
and 5 : Ms.S.Mythreya Chandru,
Special Government Pleader.
For Respondent-4 : Ms.Hema Muralikrishnan
For Respondents-6 and 7 : Mr.G.Nagarajan

ORDER

The present writ petition has been instituted to direct the second respondent to conduct an enquiry over the unlawful claim made by the fourth respondent-School and to determine the justifiable school fees to be paid by the petitioner's daughter and consequently direct the fourth respondent-School to provide the textbooks/notebooks etc., to the student as an interim measure to enable her to continue the education.

2. With reference to the relief sought for in the present writ



petition, the District Educational Officer conducted an enquiry. The said enquiry was scheduled to be conducted on 05.09.2023. However, the petitioner had refused to attend the school and informed that he will meet the fifth respondent in his office. The petitioner had not appeared for the enquiry.

3. The learned counsel appearing on behalf of the fourth respondent-School, made a submission that it is the CBSE School and not falling under the control of the District Educational Officer, Thiruvallur.

4. However, through interim directions dated 28.01.2016, in SLP No.16 of 2013, the Hon'ble Supreme Court held as follows:-

“In modification and supersession of our interim order dated 15.01.2015, we direct that for I.C.S.E. and C.B.S.E. Schools, the regulatory mechanism of the Fee Committee shall be limited, during the pendency of the present controversy, to the one contemplated under Section 7(3) of the Tamil Nadu Schools (Regulation of Collection of Fees) Act, 2009.”



5. The learned counsel for the fourth respondent made a submission that the petitioner had not paid the school fee for his two children studying in the school. In respect of his daughter, she was allowed to continue her studies even without collecting fees and she had already completed X Standard and had appeared in the Board Examination conducted during March 2024. The fee arrears payable by the petitioner, are as under:-

Class	Year	Actual Fee	Reduced Fee	Paid	Balance (Rs.)
VI	2019-2020		NA		1,800/-
VII	2020-2021	51,000/-	38,250/-	NIL	38,250/-
VIII	2021-2022	52,000/-	44,200/-	NIL	44,200/-
IX	2022-2023	53,000/-	NA	NIL	53,000/-
X	2023-2024	56,500/-	NA	NIL	56,500/-
				TOTAL	1,93,750/-
	10-03-2023			36,500	1,57,250/-

Hence, a sum of Rs.1,57,250/- is due and payable by the petitioner towards the fees for his daughter from 2019-2020 to 2023-2024 and a sum of Rs.22,000/- is payable by the petitioner towards the fees for his son for 2020-2021 ”



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WP No.26938 of 2



6. Regarding the relief, as such, sought for in the present writ petition, the High Court in exercise of its power of judicial review, cannot determine the school fee, which had already been fixed by the fourth respondent. The petitioner admitted his children, accepting the fee structure.

7. Once the fee structure had already been fixed by the School Authorities and the same had been admitted, the petitioner now cannot turn around and refuse to pay the school fees. Knowing the fee structure fixed by the School Authorities, the petitioner secured admission for his children. Thus he is liable to pay the school fee, as fixed by the School Authorities.

8. The School Authorities, considering the future interest of the children, allowed them to continue their education without collecting the fees. However, the same cannot be extended for an indefinite period by the School Authorities.



WEB COPY

WP No.26938 of 2



9. Therefore, this Court do not find any reason to consider the relief, as such, sought for in the present writ petition. Consequently, the present writ petition stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

01-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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WP No.26938 of 2



S.M.SUBRAMANIAM, J.

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WP 26938 of 2023

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