



W.P.(MD)No.5319 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.5319 of 2017

Pichandy Middle School,
Bodinayakanur-625 513,
By its Secretary,
Mr.E.Raja

...Petitioner

/Vs./

- 1.The Secretary of the Government,
Department of Education,
State of Tamil Nadu,
St.George Fort, Chennai.
- 2.The Director of Elementary Education,
College Road, Chennai-6.
- 3.The District Elementary Educational Officer,
Theni, Theni alli Nagaram Government Higher
Secondary School Campus,
Alli Nagaram, Theni-625 513.
- 4.The Assistant Elementary Educational Officer,
Bodinayakanur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 3 and 4 to pay the entire arrears of maintenance grant payable to the petitioner's school from the year 2002 onwards at the rate of 2% based upon representation made by the petitioner dated 31.01.2017.



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For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The writ petition has been instituted seeking for a writ of mandamus directing the respondent to pay arrears of maintenance grant payable to the petitioner's School from the year 2002 at the rate of 2% by considering the representation made by the petitioner dated 31.01.2017.

2.The petitioner school is the Government Aided School. Initially, the Government granted the maintenance grant at the rate of 6% of the assessed grant to the aided schools for the purpose of managing the expenditure borne by the private aided schools as per the provisions under Section 11(3) of the Tamil Nadu Recognized Private Schools (Regulation) Act. Now, the Government has reduced the rate of maintenance grant and now it is granting only 2% as maintenance grant to the aided schools as per G.O.Ms.No.174, School Education (B2) Department, dated 23.06.2000.

3.The learned counsel for the petitioner submits that though the Government Order prescribes to grant 2% of maintenance grant, the petitioner



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school was not provided with that amount from the year 2002. Hence, the petitioner approached this Court seeking payment of maintenance grant along with arrears payable to the petitioner school from the year 2002 by considering the representation of the petitioner dated 31.01.2017.

4.The learned Additional Government Pleader appearing for the respondents states that admittedly, as per the provisions of the Tamil Nadu Recognized Private Schools Regulation Act 1973 and Rules 1974, the petitioner school is an aided school. As per Item (2) of Annexure 1 of Rule 1974 of the Act, the maintenance grant will be paid at 6% of the assessed grant, provided the schools incurs such expenditure to the satisfaction of the department for the welfare of the school. The rate of maintenance grant was reduced to 4% upto the year 2000. This rate was further reduced to 2% as per the orders of the Government in G.O.Ms.No.174 dated 23.06.2000. Due to the discrepancies that were noticed in the maintenance of the school during inspection, the percentage of maintenance grant was fixed as 1.5% per year from 2003.

5.He further submitted that in the inspection report of the school for the concerned year itself, this reduction of payment of maintenance grant was specifically noted. It is pertinent to submit that the petitioner has chosen to



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challenge the consequential orders sanctioning quantum of the maintenance grant, without challenging the earlier original orders fixing the percentage of maintenance grant that too at this very later stage. The rate of maintenance grant at 2% determined by the Government is the full admissible grant, if the school maintains the school upto the satisfaction and to the expectation of the Education Department. Since the petitioner school was not maintaining the school properly, the rate of maintenance grant was reduced.

6.Heard the rival submissions made on either side.

7.Admittedly, the petitioner is an aided Institution governed by the provisions of the Tamil Nadu (Recognized) Private Schools Regulations Act, 1973 and Rules 1974. Any recognized private school is entitled for grant from the State fund directly or through Panchayat union and at the rate as specified in Annexure I of the Act. As per Annexure I of the Act, the maintenance grant to pre-primary, primary and middle schools are fixed at 6% of the assessed teaching grant as maintenance grant for the calender year.

8.It is to be noted that the petitioner's school, which was initially provided with 6% of maintenance grant, has been provided with 2% of the maintenance



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grant from the year 2000. Even this grant was considerably reduced and after the year 2003, the maintenance grant has been reduced to 1.5%. This is according to the respondents, since the petitioner school has not spent the amount for maintaining the school and only after inspection, the amount was reduced.

9.The statute does not prescribe any mandate for the respondents to pay 6% as maintenance grant. The payment of maintenance grant depends upon the maintenance of the school in a proper manner. In the case on hand, the respondents refused to provide maintenance grant based on the inspection report that the petitioner school had not spent money for maintaining the school properly.

10.Considering the facts and circumstances of the case, the petitioner is directed to submit a representation along with appropriate bills showing expenditure for maintaining the school before the District Educational Officer/competent authority enabling him to grant maintenance grant to the petitioner as per Section 11(2) of the Rules within a period of six weeks from the date of receipt of a copy of this order. The District Educational Officer shall consider the same and take a decision after providing an opportunity of being heard within a period of eight weeks from the date of receipt of representation from the



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petitioner.

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11.This writ petition stands closed with the above observations. No costs.

05.01.2024

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Index : Yes / No
Internet : Yes / No
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B.PUGALENDHI,J.

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