

ITEM NO.1

COURT NO.5

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16/2013

(Arising out of impugned final judgment and order dated 21/09/2012 in DBCWP No. 21310/2011 passed by the High Court Of Madras)

ASSO.OF MANAGEMENT OF PVT.SCHOOLS(CBSE)

Petitioner(s)

VERSUS

STATE OF TAMIL NADU & ORS.

Respondent(s)

(with interim relief and office report)

(for final disposal)

WITH

SLP(C) No. 1132/2013(With Interim Relief and Office Report)

SLP(C) No. 5389/2013(With Interim Relief and Office Report)

SLP(C) No. 5920-5922/2013(With Interim Relief and Office Report)

S.L.P. (C)...CC No. 8348/2013(With Office Report)

SLP(C) No. 16072-16074/2013(With Office Report)

SLP(C) No. 22479/2013(With Office Report)

SLP(C) No. 20788/2014(With Interim Relief and Office Report)

Date : 15/01/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. C.A. Sundaram, Sr, Adv.

Ms. Rohini Musa, Adv.

Mr. Achyuthanandan, Adv.

Mr. Zafar Inayat, Adv.

Mr. Dasharath T.M., Adv.

Mr. Abhishek Gupta, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.

Mr. K. V. Mohan, Adv.

Mr. K.V. Balakrishnan, Adv.

Mr. K. K. Mani, Adv.

Ms. T. Archana, Adv.

Mr. Vikas Singh Jangra, AOR (Not present)

Mr. M.V. Swaroop, Adv.
for Mr. Arjun Krishnan, AOR

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Subramonium Prasad, AAG
Ms. Sansriti Pathak, Adv.
for Mr. M. Yogesh Kanna, AOR (NP)

Mr. J.K. Das, Sr. Adv.
Mr. Jaideep Bedi, Adv.
Mr. Sandeep D. Das, Adv.

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. B. Ragunath, Adv.
for Mr. Vijay Kumar, AOR (NP)

UPON hearing the counsel the Court made the following
O R D E R

In order to ensure that the private schools in question, as also, the stake holders are not subjected to adverse consequences, not emerging out of the provisions of the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (hereinafter referred to as the '2009 Act'), we deem it just and appropriate to direct that in order to determine the fee structure of a private college, the foundational veracity of the orders passed by the Committee contemplated under the 2009 Act must rest inter alia on the parameters expressed in Section 3(3) thereof. Whilst directing the re-determination of the responsibility vested on the Committee under Section 7 of the above Act, we would like to clarify that a determination in consonance of the provisions of Section 3(3) contemplates a fee "commensurate with the facilities provided by the school". In our considered view, the fee has to be determined on the basis

of the facilities provided by the school, in the manner in which the Management of the school, wishes to run the school. We accordingly direct the Committee to re-determine the fee, which is sought to be charged by the private schools, based on the above parameters.

Liberty is granted to such of the schools which are members of the petitioner's association, as of now, to make fresh representations in this behalf to the Committee within one month from today. Other individual institutions, which are already before this Court, are permitted a similar liberty. The fee Committee shall render its determination, on the representations of the schools, within four months of the date of receipt of such representations.

List for further consideration after six months.

S.L.P. (C) No.20788 of 2014

Learned counsel for the rival parties state, that the issue involved in the instant special leave petition, is different from the issue involved in the other connected special leave petitions. Learned counsel accordingly pray, that the instant petition may be de-tagged from this bunch of cases, and may be listed separately. Ordered accordingly.

List for hearing in the category of 'fresh cases' on 19.1.2015.

(Parveen Kr. Chawla)
Court Master

(Renuka Sadana)
Court Master