

**Court No. - 10**

**Case :-** WRIT - C No. - 30967 of 2023

**Petitioner :-** Santar Pal Malik And 2 Others

**Respondent :-** State Of U.P. And 6 Others

**Counsel for Petitioner :-** Suchita Tripathi, Naresh Chandra Tripathi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Kshitij Shailendra, J.**

1. Sri Adarsh Singh, Advocate has put in his appearance on behalf of respondent nos.5, 6 and 7 and has filed his vakalatnama on behalf of said respondents, which is taken on record.

2. Heard Ms. Suchita Tripathi, learned counsel for the petitioners, learned Standing Counsel for the respondents no.1 to 4 and Sri Adarsh Singh, learned counsel for the respondent nos.5, 6 and 7.

3. This petition has been filed claiming mainly following relief:-

"(a) A Writ order or direction in the nature of mandamus commanding the respondent no.3 and 4 to take action against the respondent no.5, 6 and 7 and other persons in their association for illegal charging of money, other than the fee prescribed by the State Government, in the name of fee and other head like PTA donation etc. from the petitioner's wards and other students studying in Sanatan Dharm Inter College, Sadar, Meerut as restrained under the provisions of Section 7-C of U.P. Intermediate Education Act, 1921 with further direction to respondent no.3 and 4 to lodge FIR against the respondent no.5, 6 and 7 for having charged extra amount in the name of fee or donation for parents as provided under Section 7-D of U.P. Intermediate Education Act, 1921 within the short stipulated period as may be directed by this Hon'ble Court."

4. The petitioners are three in number who are the parents of certain students who are getting education in Sanatan Dharm Inter College, Meerut. The grievance of the petitioners by means of this writ petition is that though the U.P. Intermediate Education Act, 1921 as well as certain Government Orders appended along with petition clearly state that institutions cannot charge fees which has not been provided under the law, the respondent nos.5 to 7 being management and Principal of the institution, are coercing the students including the wards of the petitioners to deposit sums from time to time which do not form part and parcel of the fees.

5. The applications/complaints appended along with writ petition disclose that even receipts are not being issued by the management and, therefore, it is contended that in the event of charge of money from the students/wards, an action against the concerned respondents in terms of Section 7-C and 7-D of U.P. Intermediate Education Act, 1921 be taken.

6. Learned Standing Counsel submits that law takes care of such situations and the authorities are empowered to take action against the persons who violate the provisions of law and in case the matter has been brought to the notice of the authorities, they are bound to take an action in accordance with law, if not already taken.

7. Sri Adarsh Singh, learned counsel for the respondent nos.5, 6 and 7 submits that in relation to the same allegation, an inquiry has already been conducted by the authorities twice and nothing adverse has been found.

8. Considering the facts and circumstances of the case and statutory provisions as well as Government orders relied upon by the petitioners, the writ petition is **disposed of** in the following terms:-

(i) The petitioners are directed to file a certified copy of this order before the Joint Director of Education, Meerut Region, Meerut in the month of December, 2023.

(ii) The Joint Director of Education, Meerut Region, Meerut shall call upon the respondent nos.5, 6 and 7 to make their say to justify their action of charging sums from the parents of the students with specific details about fees structure and fees charged and collected.

(iii) The Joint Director of Education shall examine the records of proceedings and, after providing full opportunity of hearing to the petitioners and the respondent nos.5, 6 and 7, he shall pass appropriate orders in accordance with law.

(iv) During the course of taking decision, the Joint Director of Education shall summon the requisite report of the District Inspector of Schools, Meerut.

(v) In case any such exercise has been conducted earlier, the result of the same shall be examined by the Joint Director.

(vi) The decision shall be taken before 31.03.2024.

**Order Date :- 5.12.2023**

Gaurav Kuls