

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12747 of 2015
Date of Decision:01.07.2015**

APJ Senior Secondary School

. . . . Petitioner

Vs.

Fee & Funds Regulatory Committee and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.H.L. Tikku, Sr. Advocate, with
Mr.Manav Bajaj, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the recommendation made by the District Education Officer, Bhiwani to the Director Secondary Education, Haryana on 26.5.2015 to initiate proceedings for withdrawal of recognition of the petitioner for non-submission of balance-sheet as required by the department and also order passed by the Fee and Fund Regulatory Committee on 29.5.2015 that till the necessary action is taken by the competent authority on the recommendation for withdrawal of the recognition, the petitioner would be restrained from increasing its fee from the prevailing fees structure in the financial year 2014-15.

It is submitted that the Haryana School Education (Amendment) Rules, 2014 [for short 'the Amended Rules'] notified on 28.1.2014, added Rule 158-A into the Haryana School Education Rules, 2003, pertaining to Fee and Fund Regulatory

Committee, which provides that there shall be a committee, known as Fee and Funds Regulatory Committee at the Divisional level under the Chairmanship of Divisional Commissioner, who would be assisted by the District Education Officer/District Elementary Education Officer, nominated by the Chairman and retired Accounts Officer/Chartered Accountant, nominated by the Chairman on such terms and conditions, as may be approved by the Government. The Committee on receipt of any complaint or otherwise after being satisfied on an enquiry that a private school has charged capitation fee or fee in excess of the fee as notified by the school, would ensure the redressal of the complaint so received within a period of 60 days and may direct the concerned institution to refund the capitation fee or fee received in excess of the fee as notified by the school as the case may be or recommend withdrawal of the recognition/affiliation of the school to the Director, who shall pass the order accordingly, but before taking such an action as envisaged in Rule 158-A(2), the Committee shall provide a reasonable opportunity of hearing to the said institution.

Learned counsel for the petitioner has argued that the Committee, who had passed the order on 29.5.2015, was not duly constituted as it was not chaired by the Divisional Commissioner and was not comprised of the members provided in Rule 158-A(1)(i)(ii) of the Amended Rules.

I have heard learned counsel for the petitioner and perused the record.

As a matter of fact, Rule 158-B stipulates an appeal in the Amended Rules which provides that any person or school

management aggrieved by any direction or order passed under Rule 158-A, may file an appeal to the Administrative Secretary within a period of 30 days from the date of such an order is passed.

Thus, I am of the considered opinion that since the petitioner has statutory efficacious remedy of an appeal under Rule 158-B, therefore, he cannot maintain the present writ petition.

At this stage, learned counsel for the petitioner has submitted that the said appeal could have been filed within 30 days from the date of the order passed by the Committee and now limitation has expired on 29.6.2015. It is further submitted that he would file an appeal within a period of 7 days from today but he is afraid that the respondent may not raise the issue of limitation.

Keeping in view the facts and circumstances of the case, the present petition is hereby disposed of, relegating the petitioner to his remedy of appeal under Rule 158-B, with a further direction that if such an appeal is filed within a period of 7 days from today then the question of limitation would not be raised by the other side.

01.07.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**