

CWP NO. 3527 OF 2015

Date of decision: 7.05.2015

**Shri Bankey Bihari Educational Trust, Faridabad and another
.....Petitioner****versus****State of Haryana and another****.....Respondents****Coram: Hon'ble Mr. Justice Rakesh Kumar Jain****Present:** Mr. Manish Tiwari, Sr. Advocate with
Mr. Varun Isser, Advocate and
Mr. A.Tiwari, Advocate
for the petitioner.Mr. B.R.Mahajan, Advocate General, Haryana with
Mr. J.S.Bedi, Addl.AG, Haryana**Rakesh Kumar Jain, J.(Oral)**

This petition is filed by two educational institutions seeking a writ in the nature of mandamus to direct respondent No. 2 to exercise its statutory duty under Section 11 of the Haryana Private Technical Educational Institution (Regulation of Admission and fee) Act 2012 (for short, 'the Act').

After notice, reply is filed on behalf of the respondents. Learned Senior counsel, while drawing the attention of this Court to Section 3 of the aforesaid Act, has submitted that the Fee Committee to be constituted at the instance of the State Government, consists of five members, but at present, the said Committee is defunct because two of its members have retired. The anxiety of the petitioner is that if the provisions of Section 11 are not followed by the respondent and the fee is not fixed by the Fee Committee, the petitioner would face difficulty in admitting the students and in terms of Section 11 (4) of the Act, once the

student is admitted at a particular fee, the said fee will not be revised till the completion of the course.

Learned Advocate General has submitted that the revision would be on the basis of the determination of the fee by the Fee Committee, which is yet to be constituted. He assured the Court that the Fee Committee, in terms of Section 3 of the aforesaid Act, would be constituted within two weeks, thereafter, the said committee would ask for the proposals for the revision in the course fee from all the stake holders within a period of four weeks and thereafter, the said Committee would decide about the fee of the technical courses, in terms of the provisions of the aforesaid Act.

Let the entire exercise be carried out by the respondents expeditiously. In case the said Committee is not in a position to determine the fee of the technical course, before the admission starts, the petitioners would be entitled to admit the students on their fee, which would be provisional, subject to modification, in terms of the decision to be taken by the Fee Committee.

With these observations, the present petition is hereby disposed of.

7th May, 2015

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**