

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

CWP No. 24588 of 2015

Date of Decision: 12.12.2016

LAVLEEN KAUR AND ANOTHER

... PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Ahluwalia, Advocate,
for the petitioners.

Mr. Nikhil Chopta, Addl. AG, Punjab.

KULDIP SINGH, J. (Oral)

The petitioners have preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of mandamus directing the respondents to reimburse the tuition fee amounting to ₹1,97,450/- alongwith interest in respect of petitioners (dependent unmarried wards of the deceased Sukhdev Singh, Ex-Punjabi Master, Government Senior Secondary School, Lamin, Distt. Hoshiarpur) as per policy dated 15.06.1970.

Brief facts of this case are that Sukhdev Singh, Ex-Punjabi Master, Government Senior Secondary School, Lamin, Distt. Hoshiarpur, died in harness in a road accident on 18.11.2009. He left behind widow, one daughter and one son aged 12 and 11 years, studying in 8th and 6th class respectively, at the time of his death. The Government of Punjab has issued a policy dated 15.06.1970 (*Annexure P-3*) under which the Government has decided to allow free education facility to the children of the deceased

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Government employees who died while in service subject to certain conditions.

The aforesaid instructions are reproduced as under: -

“Subject: Grant of free education facilities to the children of deceased Government employees.

I am directed to address you on the subject cited above and to say that the Punjab Government have had under consideration for some time the question of allowing free educational facilities to the children of the deceased Government employees. It has not been decided to allow free educational facilities to the unmarried children of all Government employees who die while in service subject to the following conditions: -

- i) The benefit of free education shall be allowed upto Degree Course (including Professional Courses) provided the children get admission in the said course on merit and pass examinations held from time to time.*
- ii) Tuition fee at the rate as admissible in Government Institution only shall be reimbursed.*
- iii) The benefit will be admissible from the date of death of the Government employee concerned to his children who are actually dependent upon their guardian.*
- iv) These orders shall have effect from the 1st June, 1970.”*

The mother of the petitioners submitted the bills for reimbursement of tuition fee amounting to ₹ 4,800/- in year 2010, ₹13,080/- on 10.04.2011, ₹16,320/- on 14.05.2012, ₹22,260/- on 17.04.2013 and ₹20,340/- on 01.04.2014, but these were not reimbursed. The mother of the petitioners also expired on 16.10.2014. Thereafter, a legal notice dated 11.09.2014 (*Annexure P-13*) was issued. Now, petitioners claims reimbursement of an amount of ₹ 1,97,450/- paid in respect of the tuition fee.

In the reply, the respondents have not denied the instructions/policy dated 15.06.1970. However, they have taken the plea that

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tuition fee, only at the rate admissible in the Government institution, is to be reimbursed. In the reply, the fee and other charges of the University College of Nursing are also reproduced. It has further been stated the petitioner No. 1 has studied at the school level from 8th Class to 10+2 Class between 2009-2014, from the Government Institution. In Government Institutions of Punjab State, no tuition fee is charged from the girl students upto 10+2. Therefore, the petitioner No. 1 is not entitled to any amount to be reimbursed on this count. Similarly, the petitioner No. 2 is also entitled to reimbursement of tuition fee at the rate prescribed in the Government Institutions. The table of the said tuition fee charged in the Government Institutions in respect of petitioner No. 2 is reproduced as under: -

<i>Years during which the petitioner No. 2 had undergone</i>	<i>Name of class/course</i>	<i>Prescribed fee for study/course at the Government rates in ₹</i>	<i>Amount of fee which the petitioner No. 2 has claimed to have paid</i>
2009-2010	6 th	Nil	2275/-
2010-2011	7 th	Nil	6120/-
2011-2012	8 th	Nil	7680/-
2012-2013	9 th	₹7 per month (₹ 84/-)	9660/-
2013-2014	10 th	₹7 per month (₹ 84/-)	8640/-
2014-2015	Computer Diploma 1 st semester	11000/-	18150/-
2014-2015	Computer Diploma 2 st semester	11000/-	11000/-
2015-2016	Computer Diploma 3rd semester	11000/-	11000/-

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Therefore, it was stated that the petitioner is entitled to a sum of ₹ 33,168/- on account of reimbursement of tuition fee which is to be paid after 9th class till third semester of Computer Diploma as per rate prescribed in the Government Institution. Therefore, petitioners No. 1 and 2 are entitled to ₹ 55,168/- in respect of tuition fee as per policy of the government.

I have heard learned counsel for both the parties and carefully gone through the file.

So far as the instructions/policy dated 15.06.1970 (*Annexure P-3*) are concerned, these are not disputed. As per the said instructions, only tuition fee charged in the Government Institution is to be reimbursed and not other charges. Undisputedly, no tuition fee is chargeable from the girl students upto 10+2 and for the boys, the tuition fee is chargeable only from the 9th Class. The Government has given the table of the tuition fee for the 9th and 10th classes and also tuition fee for the three semesters of Computer Diploma respectively. The State has admitted now a sum of ₹ 33,168/- is payable to the petitioners.

The learned counsel for the petitioners has argued that the bills were being submitted to the respondents, however, the respondents never pointed out that the tuition fee, only equivalent to the Government Institutions, shall be payable. Had it been so, the petitioners would have shifted to Government Institutions respectively. The learned counsel for the petitioners also claim that the entire tuition fee i.e. ₹ 1,97,450/- should be reimbursed.

I am of the view that in view of the instructions/policy dated 15.06.1970 (*Annexure P-3*), only tuition fee, charged in the Government Institutions, is payable and the Government has already calculated the same as

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₹33,168/-. Therefore, the petitioners are entitled to sum of ₹33,168/- only in respect of tuition fee paid by the petitioners. However, since, the tuition fee bills pertained to the year 2012-2013, therefore, on the delayed payment, the respondents are directed to pay interest @ 9 % per annum from the date on which the tuition fee has become payable till the date of actual payment. The payment be released within three months from the date of receipt of the certified copy of this judgment.

In view of the foregoing discussion, the petition stands partly allowed.

December 12, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>