

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

Civil Writ Petition No.9542 of 2016

Date of decision: 7.11.2016

Parents Association, Bal Bharti Public School

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Harshit Jain, Advocate for the petitioner.

Ms. Lavanya Paul, Assistant Advocate General, Punjab.

Mr. Amandeep Singh Talwar, Advocate for respondent no.3.

G.S.SANDHAWALIA, J. (Oral)

Short affidavit on behalf of respondent no.3 has been filed in Court today.

The same is taken on record.

The petitioner seeks implementation of order dated 11.2.2016 (Annexure P/1 which had been passed by the Fee Committee constituted in view of the judgment dated 9.4.2013 passed in **CWP No.20545 of 2009-Anti Corruption and Crime Investigation Vs. State of Punjab and others**. Further prayer of the petitioner is for quashing of the fee structure issued by respondent no.3 for year 2016-17 (Annexure P/3) which has been issued in violation of guidelines issued in this regard.

Counsel for the petitioner at the very outset restricts his relief only to the first issue regarding implementation of order dated 11.2.2016 (Annexure P/1) and prays that he would seek his redressal regarding second prayer before the competent authority.

It is not disputed that apart from filing review petition, respondent no.3 has not challenged the said order. The stand of the State also is that on account of pendency of review application, the order in question has not been implemented.

Mr. Talwar, counsel appearing on behalf of respondent no.3-school also submits that matter is pending before the Fee Committee.

Admittedly, there is no stay order as such in the review application passed by the Fee Committee. It is stated that matter is pending for 21.11.2016.

In such circumstances, this Court is of the opinion that the Fee Committee should take a decision on the review application at the earliest so that the petitioner should not suffer in spite of the fact that an order has already been passed in their favour. Accordingly, the Fee Committee would ensure that a decision on the review application by 31.12.2016 is taken. It is further made clear that this Court is not opining on the maintainability of the review application and it would be open to the Committee to decide if such a review would be maintainable.

Accordingly, the present writ petition is disposed of with the aforesaid observations. However, if no decision is taken by the stipulated date, the State would take appropriate steps to implement the decision dated 11.2.2016 (Annexure P/1) thereafter.

November 07, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No