

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

**CWP No.15050 of 2017 (O&M)
Date of decision : 14.07.2017**

MVN School Parents Welfare Association Faridabad (Regd.)

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. A.K.Jain, Advocate
for the petitioner.

Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Aashish Chopra, Advocate
for caveator/respondent No.8.

AJAY TEWARI, J.(ORAL)

By this petition the petitioner-Association has challenged the letter dated 03.05.2017 whereby the Fee and Fund Regulatory Committee-cum-Commissioner (FFRC), Gurgaon, Division Gurgaon has directed the District Education Officer, Faridabad to inform the School and parents that respondent No.8-School would have the right to charge fees as stated in form No.6.

It is the contention of the learned counsel for the petitioner that this form No.6 has to be first approved by the competent authority and if the petitioner-Association is held to be bound to pay as per this direction the decision of the FFRC would become meaningless.

Senior counsel appearing on behalf of respondent No.8-School has though disputed that any approval is required fairly accepted that the fee sought by the form No.6 is subject to examination of the competent authority.

In the circumstances it has been agreed by both the parties that the member of the petitioner-association would pay the fees as mentioned in the form No.6 provisionally without prejudice to any claim they may have that the respondent No.8-School is profiteering and consequent refund of any extra fee (which may be established) for the session 2017-2018.

There is another dispute. It is stated that for the academic years starting from 2012 uptill the year 2017 also there are disputes between the School and the petitioner-Association about the fees which have to be charged by the school.

In some cases, the respondent No.8-School has even taken legal proceedings and orders/decrees have been passed in its favour. In other cases though no legal proceedings have been taken by the respondent No.8-School yet it has retained the documents of the students to ultimately aid it in making recoveries.

It has been agreed that all parents individually or through Association, who have disputed the fee hike and/or have not paid, would deposit the original amount claimed by the respondent No.8-School alongwith 7 ½% interest within 6 months from today (except in those cases

which are covered by Court orders). For this purpose the respondent No.8-School will open a separate account with Punjab National Bank, NIT, Faridabad. The amount deposited in the bank would carry interest at the rate of short term fixed deposit. Out of those deposits any amounts shall be released only to the party found entitled to it by the Court/competent authority.

Both the learned counsel have taken instructions from their respective clients and have accepted this proposition.

The respondent will also inform the amount as per form-6 of respective years starting 2012 along with interest @ 7 ½%, the account number and the calculation of the total amount demanded/claimed within a period of one month. After the deposits those students who need their documents would be handed over the documents forthwith. It goes without saying that those amongst the parents who do not wish to dispute the fee increase may deposit the amounts directly with the school and those payments would obviously not be covered by this order.

The petition is disposed of in the above terms.

A copy of this order be handed over to the learned counsel for the parties under the signatures of Bench Secretary.

Registry is also directed to transmit it to the Manager of PNB, NIT, Fariabad for implementation.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.07.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No