

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

106

CWP No.21098 of 2017 (O&M)

Date of Decision : 18.09.2017

Abhishek Tiwari and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. Abhimanyu Singh, Advocate  
for the petitioners.

Dr. Sushil Gautam, D.A.G., Haryana.

Mr. D.S.Chadha, Advocate  
for the caveator-respondent No.6.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed for quashing the impugned letters dated 18.08.2017 and 04.09.2017 (Annexures P-21 and P-22) respectively issued by respondent No.6.

Notice of motion.

On the asking of the Court, Dr. Sushil Gautam, D.A.G., Haryana, accepts notice on behalf of respondents No.1, 3 and 4.

Learned counsel for the petitioners undertakes to supply three copies of the petition to the learned State counsel during the course of the day.

This petition represents the latest litigation explosion in this part of the Country that of fee dispute between schools and students. In the

an appeal. The appellate authority set aside the order and remanded the matter back for a fresh decision. The fee committee passed a second order upholding the fees being sought to be charged by respondent No.6-school. The petitioners have filed an appeal again before the appellate authority which is pending. During this time respondent No.6-school has passed the orders (Annexures P-21 and P-22) directing that the wards of the petitioners would be removed from the school in case they do not deposit the outstanding fees as upheld by the committee.

It is the contention of the petitioners that till such time as their appeal is not decided the respondent No.6-school can not take any coercive action to recover any amounts. On the other hand learned counsel for respondent No.6-school is adamant that once the fee committee has upheld the fee structure it would be most unjust to deprive the respondent No.6-school of the fee and respondent No.6-school is willing to give an undertaking that in the event of the appeal being allowed it would refund the amount back.

Learned Deputy Advocate General states and rightly so that the dispute in the present case is extremely limited and in his view the appropriate order should be that the petitioners should deposit the outstanding fees in a fixed deposit and continue to pay the fees in the bank account so that whatever be the final decision atleast the money is available to either of the parties.

I find it to be a good and equitable suggestion.

Learned counsel for the petitioners and respondent No.6 have also very fairly agreed to this. In the circumstances, the petitioners are directed to approach the Manager of Punjab National Bank, Sector 43,

Faridabad Branch (where account of the school is maintained). They would open fresh accounts in the names of their wards and would start making the deposits of the fees and other charges as upheld by the fee committee every month by the due date under intimation to respondent No.6-school. As regards the arrears, they would deposit an amount of Rs.1 lac in that account on or before 31.10.2017 under intimation to the respondent No.6, another amount of Rs.1 lac on or before 30.11.2017 under intimation to the respondent No.6 and the remaining amount by 31.12.2017. The bank authorities are directed to maintain these accounts and disburse them as per the final decision of this dispute between the parties.

It is made clear that in case the due amounts are not deposited as per the time schedule the orders (Annexures P-21 and P-22) would come into force subject to this condition.

Petition stands disposed of in the above terms.

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

**( AJAY TEWARI )**  
**JUDGE**

**18.09.2017**  
*pooja sharma-I*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |