

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

CWP No.7851 of 2015 (O&M)

Date of Decision:19.01.2017

Parents Association, Budha Dal Public School, PatialaPetitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Pawan Kumar, Senior Advocate with
Mr. Abhimanyu Batra, Advocate and Mr. Sukhjinder Singh,
petitioner in person.

Mr. Suresh Singla, Addl. AG, Punjab.

Mr. Vinay Pandey, Advocate for Mr. Abhinav Gupta,
Advocate for respondent No.4.

Mr. S.K.S. Bedi, Advocate for respondent No.7.

Mr. R.S. Mahal, Advocate for respondent No.8.

RAKESH KUMAR JAIN, J.(Oral)

Counsel for the parties have produced a notification dated 23.12.2016 issued by the Department of Legal and Legislative Affairs, Punjab notifying the Punjab Regulation of Fee of Unaided Educational Institutions Act, 2016 (for short, 'the Act') which has been enacted to provide for the constitution of Regulatory Body with a view to provide a mechanism for the purpose of regulating fee of un-aided educational institutions in the State of Punjab and for the matters connected therewith or incidental thereto. Section 3 of the said Act provides for a Regulatory Body which has to look into the complaints regarding fee hike or the matters connected therewith or incidental thereto. The parties are ad idem that this petition may be disposed of, relegating the petitioner to avail its remedy

under the provisions of the Act by directing the constitution of the Regulatory Body, if it is already not constituted and further directing it to decide the lis between the parties in accordance with law within a period of 60 days as provided under Section 11(3) of the Act. Counsel for the respondents has specifically argued that all the issues raised in this petition are within the purview of the Regulatory Body.

Learned counsel for the petitioner, however, has submitted that till the matter is finally decided by the Regulatory Body, the interim direction issued by this Court on 15.5.2015 may be allowed to continue. There is no objection raised in this regard by counsel for the respondents.

Consequently, the present petition is hereby disposed of, relegating the petitioner to make an appropriate complaint/ application in terms of the provisions of the Act to the Regulatory Body, which in any case if not constituted by now, is directed to be constituted by the end of this month. In case, any such complaint/ application is filed by the petitioner, making the prayers made in the present petition, the same shall be considered and decided by the Regulatory Body as early as possible, in any case, within a period of 60 days as provided under Section 11(3) of the Act. It is needless to mention that the Regulatory Body shall follow the principles of natural justice. Till the matter is finally decided by the Regulatory Body, the interim direction issued by this Court on 15.5.2015 shall be continued.

January 19, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No