

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCN No.61 of 2018

Date of Decision:-17.01.2018

Vanshika & Ors.

.....Petitioner.

Versus

Gurdarshan Singh & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Buta Singh Bairagi, Advocate for the Petitioners.

Mr. Manoj Bajaj, additional Advocate General, Punjab
for respondent no.1 assisted by Mr. Gurdarshan Singh, DEO
in person.

Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Shranav Katyal, Advocate for respondent nos.2 & 3.

JASWANT SINGH, J.(ORAL)

Four petitioners, namely, Vanshika, Vishav, Kanika and Seemant had filed CWP No.28561 of 2017 claiming that the students had been rusticated from the Arya Model High School, 2 New Town, Moga, an unaided privately managed school. The said writ petition was disposed of vide order dated 20.12.2017 which reads as under:-

“ Counsel for respondent No. 4 states that this whole petition is a result of some misunderstanding because the petitioners have never been rusticated and are welcome to come to school. He further states that no fee has been paid by the guardians of these petitioners since the opening of the session and that on some occasions guardians of the petitioners have forcibly entered into

the school and misbehaved. In my opinion, those are independent causes for which the respondent No.4 can take appropriate action as per law. However, in view of the statement that petitioners have never been rusticated and they are now welcome to join back the school has turned this petition infructuous.

In the circumstances, the instant petition stands dismissed as such.

Since the main case has been decided, the pending C.M, if any, also stands disposed of. ”

Now the present contempt has been filed with the allegations that the Management of the School and the District Education Officer, Moga are not permitting them to attend their classes in violation of their undertaking.

Upon notice, counsel for the respondent points out that all the four students have not paid their dues w.e.f. the start of the Session since April 2017. Therefore, on clearance of the outstanding dues, the petitioners can certainly attend their classes.

The District Education Officer present here submits that inspite of his efforts to settle the matter, the parents of the minor petitioners have repeatedly misbehaved and threatened him.

It is conveyed that the dues payable w.e.f. 1.4.2017 with respect to Vanshika and Kanika Singla are at the rate of Rs.1145/- per month, whereas in respect of Vishav are at the rate of Rs.965/- per month and Seemant Singla at the rate of Rs.850/- per month. The stand of the respondent-School authorities appears to be fair. The parents of the petitioners would be free to seek the refund of the excess fee, if any, after establishing the incorrect fixing of fee under the Provisions of The Punjab Regulation of Fee of Unaided Educational Institutions Act, 2016.

However, the Court is not inclined to go into the aspect of the

behaviour of the parents for which the parties are free to take their action in accordance with law.

In view of the aforesaid, no further action is required in the present contempt petition.

Dismissed.

(JASWANT SINGH)
JUDGE

January 17, 2018
Vinay

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