

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

CWP No. 6755 of 2018
Date of Decision: 19.3.2018

Pradeep Pathak and othersPetitioners

v.

State of Punjab and othersRespondents

CWP No. 6769 of 2018

Pradeep PathakPetitioner

v.

State of Punjab and othersRespondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Naveen Batra, Advocate, for the petitioners

RAKESH KUMAR JAIN, J. (Oral)

This order shall dispose of two petitions bearing CWP No. 6755 of 2018 titled as **Pradeep Pathak and others v. State of Punjab and others** (for short 'the first petition') and CWP No. 6769 of 2018 titled as **Pradeep Pathak v. State of Punjab and others** (for short 'the second petition') as the issue involved in these petitions is common. However, for the sake of convenience, the facts are being extracted from the first petition.

This petition is filed for seeking a direction to respondent No.3 to withdraw the arbitrary hike in fee and other charges, claiming it to be against the provisions of the Punjab Regulation of Fee of Unaided Educational Institution Act, 2016 (for short 'the Act').

Learned counsel for the petitioners has submitted that as per

Section 5 second proviso, increase of fee cannot be more than 8% of the fee of the previous year charged by the un-aided educational institution. However, at the same time, he has not denied that Section 7 of the Act provides a Regulatory Body to hear the complaints of the parents in regard to charging of excessive fee.

Learned counsel for the petitioners has further submitted that a complaint has been filed against the private schools/respondent No.3 before the Regulatory Body for charging excessive fee from them, however, it is submitted that the Regulatory Body has not taken any decision so far.

At this stage, learned counsel for the petitioners has prayed that a direction be issued to the Regulatory Body/respondent No.2 to whom the petitioners have allegedly made a complaint in terms of Section 7 of the Act, to decide the same, as early as possible.

After hearing learned counsel for the petitioners and taking into consideration the aforesaid facts and circumstances, the present writ petitions are hereby disposed of with a direction to respondent No.2, to whom the petitioners have allegedly made a complaint in terms of Section 7 of the Act, to decide the same as early as possible, following the principle of natural justice i.e. audi alteram partem and preferably within a period of 15 days from the date of receipt of certified copy of this order.

A photocopy of this order be placed on the connected case file.

(RAKESH KUMAR JAIN)
JUDGE

19.3.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No