

CWP No.7205 of 2018

[1]

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

**CWP No.7205 of 2018
Date of decision:26.03.2018**

Harpal Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Karanveer Jindal, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The prayer made in this petition is for the issuance of a writ in the nature of *mandamus* for directing respondents no.4 to 6 to declare the result of the wards of the petitioners of the academic year 2017-18, which has been withheld on account of non-payment of entire fee and to promote them in the next class/session.

Counsel for the petitioners has submitted that the petitioners have filed their respective complaints before the Divisional Commissioner, Patiala under the Punjab Regulation of Fee of Unaided Educational Institutions Act, 2016 (hereinafter referred to as the "Act") against respondents no.4 to 6 for charging excessive fee in the name of development fee, computer charges and smart class charges and have paid 75% of the fee. It is further submitted that their complaints are still pending before the Fee Regulatory Body.

The grievance of the petitioners is that respondents no.4 to 6 are

not declaring the result of their wards for the academic session 2017-18 and are not promoting them to the next class in the academic session 2018-19 on account of non-payment of entire school fee.

Learned counsel for the petitioners has referred to an order passed by this Court in CWP No.7851 of 2015 titled as “Parents Association, Budha Dal Public School, Patiala vs. State of Punjab” decided on 19.01.2017 to contend that till the matter is finally decided by the Divisional Commissioner, Patiala, the wards of the petitioners may be allowed to continue to study in their respective schools only after depositing the tuition fee.

I have heard learned counsel for the petitioners and perused the available record.

As per their own-showing, the petitioners had filed their complaints before the Divisional Commissioner, Patiala, who is the Chairperson of the Fee Regulatory Body, in which one of the prayers made is to refund the excess fee charged by the school(s) from them. Since the matter is already pending adjudication before the Competent Authority appointed under the Act, therefore, I do not find any reason to interfere in this petition and the order passed by this Court in CWP No.7851 of 2015 would be of no help to the petitioners because in that case, the petitioner had not filed complaint before the Fee Regulatory Body.

Consequently, the present petition is hereby dismissed because the petitioners have already availed their statutory remedy by filing their respective complaints before the Fee Regulatory Body. However, if so advised, they may file an application before the Divisional Commissioner, Patiala for an interim relief. The Divisional Commissioner, Patiala, is further

directed to decide the complaints filed by the petitioners within a period of one month from the date of receipt of certified copy of this order and in case the petitioners file any application before him for any interim relief, that shall be decided by him immediately so that the study of their wards may not suffer.

March 26, 2018
vinod*

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No