

CWP No.9647 of 2018 -1-

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

**CWP No.9647 of 2018 (O&M)
Date of decision: July 25, 2018**

**Bhawani Shanker Anangpuria Charitable Trust and another
...Petitioners**

Versus

**State of Haryana and others
...Respondents**

CWP No.10544 of 2018

**Bhawani Shanker Anangpuria Charitable Trust and another
...Petitioners**

Versus

**State of Haryana and others
...Respondents**

CWP No.10547 of 2018

**Bhawani Shanker Anangpuria Charitable Trust and another
...Petitioners**

Versus

**State of Haryana and others
...Respondents**

A N D

CWP No.11640 of 2018

**Bhawani Shanker Anangpuria Charitable Trust and another
...Petitioners**

Versus

**State of Haryana and others
...Respondents**

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

CWP No.9647 of 2018 -2-

Present: Mr.Amitabh Tewari, Advocate for the petitioner(s).

Mr.Lokesh Sinhal, Addl.AG Haryana.

Mr.Harkesh Manuja, Advocate for respondent No.4.

Mr.Shobit Phutela, Advocate for respondent No.5 in CWP Nos.10547 and 11640 of 2018.

Rakesh Kumar Jain, J. (Oral)

I am disposing of these four petitions bearing CWP Nos.9647, 10544, 10547 and 11640 of 2018 by this common order because the issue involved in all these cases is similar. However, for the sake of convenience, the facts are being extracted from CWP No.9647 of 2018.

In brief, the petitioner has challenged the order dated 23.2.2018 passed by the Haryana State Admission and Fee Committee (for short 'the Committee') which has been constituted by the Government of Haryana in terms of the Haryana Private Technical Educational Institution (Regulation of Admission and Fee) Act, 2012.

The petitioner had filed an application for fixation of fee, chargeable for diploma course, for the academic session 2011-12, 2012-13 and 2013-14 and submitted its proposal dated 28.3.2011 for tuition fee of ₹22,000/- and development fund of ₹5000/-. The said proposal was not accepted as the tuition fee was reduced from ₹22,000/- to ₹18,000/- and development fund from ₹5000/- to ₹4000/-. The controversy triggered when the petitioner filed an application for fixation of tuition fee and development fund for the session 2016-17, 2017-18 and 2018-19 and submitted a proposal of the annual fee of ₹83,600/- and development fund of ₹5000/-. Grievance of the petitioner is that the proposal has not been logically discussed by the Committee, inasmuch as,

the report of the CA/Member of the Committee was not made known to them

so as to challenge the same before the Committee, who while relying upon the report prepared by CA/member has given only 10% increase towards inflation. As a result thereof, the tuition fee of the petitioner has been marginally increased to ₹22,808/- and development fund to ₹3422/- total amounting to ₹26,230/- for the year 2016-17, 2017-18, 2018-19. It is submitted that since the reasons are conspicuous by its absence in the impugned order, therefore, the petitioner is still not aware as to on what ground marginal increase been given of 10%. He has submitted that the impugned order may be set aside and the matter may be remanded back to the Committee to re-assess and re-consider the proposal made by it and the reasons given by them for fixing the tuition fee may be considered vis-a-vis report of the CA which may be given so that they may also peruse it and give their reactions.

Sh.Lokesh Sinhal, Addl.AG Haryana has though contested the argument but he is not found averse to the argument of the petitioner for a re-look by the Committee.

Consequently, the writ petitions are hereby allowed and the impugned orders are set aside. The matter is remanded back to the Committee for its re-appraisal and re-decision on merits after taking into consideration the reasons given in the proposal by the petitioner regarding increase in the tuition fee in particular. It is needless to mention that the Committee would give a detailed finding in its order which may facilitate the Court a judicial review, if required. The Committee shall also give an opportunity to the petitioner to contradict the report of the CA/member of the Committee on the basis of which previous order was passed. The entire exercise shall be completed by the Committee on or before 31.8.2018.

Parties are directed to appear before the fee Committee on

A photocopy of this order be placed on the files of connected matters.

July 25, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No