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

CR No. 3057 of 2018
Date of Decision: 26.09.2019

St. Joseph Senior Secondary School, Sector 44, Chandigarh
through its Principal

-Petitioner

Vs

Jagmohan Singh

-Respondent

CR No. 3058 of 2018

St. Joseph Senior Secondary School, Sector 44, Chandigarh
through its Principal

-Petitioner

Vs

Atul Vohra and another

-Respondents

CR No. 3059 of 2018

St. Joseph Senior Secondary School, Sector 44, Chandigarh
through its Principal

-Petitioner

Vs

Pankaj Sharma

-Respondent

CR No. 3571 of 2018

St. Joseph Senior Secondary School, Sector 44, Chandigarh
through its Principal

-Petitioner

Vs

Sanjeev Rastogi and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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Present: Ms. Alka Sarin, Advocate, and
Mr. Gurmohan Singh Bedi, Advocate,
for the petitioner(s).

Mr. Aman Sharma, Advocate,
for respondent No.2 (in CR-3058-2018).

Ms. Loveinder Kaur Brar, Advocate,
for respondents No.6,22 and 37 (in CR-3571-2018).

Ms. Geeta Sharma, Advocate, and
Ms. Priyanka Dalal, Advocate,
for respondent No.39 (in CR-3571-2018).

RAJ MOHAN SINGH, J. (ORAL)

Vide this common, Civil Revision No. 3057 of 2018 titled 'St. Joseph Senior Secondary School, Sector 44, Chandigarh through its Principal vs Jagmohan Singh', Civil Revision No. 3058 of 2018 titled 'St. Joseph Senior Secondary School, Sector 44, Chandigarh through its Principal vs Atul Vohra and another', Civil Revision No. 3059 of 2018 titled 'St. Joseph Senior Secondary School, Sector 44, Chandigarh through its Principal vs Pankaj Sharma' and Civil Revision No. 3571 of 2018 titled 'St. Joseph Senior Secondary School, Sector 44, Chandigarh through its Principal vs Sanjeev Rastogi and others' are being decided.

Petitioner has preferred this revision petition against the order dated 07.03.2018 passed by Additional Civil Judge

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(Senior Division), Chandigarh vide which application filed by the defendant-petitioner under Order 7 Rule 11 read with Section 151 CPC was dismissed.

Plaintiff-respondent has filed a suit for declaration and permanent injunction/mandatory injunction against fee structure for the session 2017-18.

In pursuance of interim order dated 11.04.2017 passed by Additional Civil Judge (Senior Division), Chandigarh, a meaningful consultation with parents and representatives of parents of the students was made by the petitioner- School. A written consultation along with minutes of consultation and report of independent observer were put before the Board of Trustees of petitioner- School.

After due deliberation, a resolution dated 02.05.2017 was passed by the petitioner- School wherein a decision was taken to maintain the existing fee structure except to the extent that increase in fee for academic session 2017-18 for Classes- VI, VIII and IX was reduced to 8% which was earlier above 8%. It was also resolved that the fee paid in excess by the parents of the students in the aforesaid classes was to be adjusted in the next installment of fee payable by the students.

The revised fee structure was also communicated to

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the parents of the students in the detailed written consultation. All the stakeholders duly participated on 28.04.2017 after issuance of sufficient notice to all concerned. The resolution passed by the Board of Trustees was only in recognition of deliberations between all stakeholders and it was decided that the fee structure be maintained only to the extent that the increase in fee for academic session 2017-18 for Classes-VI, VIII and IX be reduced to 8% which was earlier in excess to 8%. Further stipulation was made that the fee paid in excess shall be adjusted in the next installment of the fee payable by the students.

The revised fee structure has not been assailed by the plaintiff-respondent.

By virtue of notification dated 13.04.2018, Punjab Regulation of Fee of Unaided Educational Institutions Act, 2016 has been extended to UT, Chandigarh and the jurisdiction of Civil Court is barred in terms of Clause 16 of the aforesaid notification.

Notice of motion was issued on 09.05.2018. Thereafter, this revision petition was tagged along with connected revision petitions.

Mr. Aman Sharma, Advocate appeared on behalf of

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respondent No.2 (in CR-3058-2018), Ms. Loveinder Kaur Brar, Advocate appeared on behalf of respondents No.6,22 and 37 (in CR-3571-2018) and Ms. Priyanka Dalal, Advocate and Ms. Geeta Sharma, Advocate appeared on behalf of UT, Chandigarh (in CR-3571-2018).

Since the revised fee structure has not been assailed by the plaintiff(s) till date and subject matter of suit relates to academic session of the year 2017-18, therefore, civil suit on the basis of original cause of action would not advance any meaningful proceedings in the suit, particularly when thereafter, three sessions have already passed on the basis of revised fee structure.

Taking note of aforesaid facts and circumstances, I deem it appropriate to accept these revision petitions.

Normal consequences to follow.

26.09.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No