

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CM-6786-CWP-2021, CM-8141-CWP-2021
in/and CWP-2400-2021
*Date of Decision:- 28.10.2021***

Rajan Gautam and others

...*Petitioners*

Verses

State of Haryana and ors

... *Respondents*

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Kaushik, Advocate
for the petitioners.

Mr. Tarun Walia, AAG, Haryana, assisted by
for the respondents No.1,2,6 and 7.

Mr. Kannan Malik, Advocate,
for the respondent-CBSE.

Mr. Satyaveer Singh, Advocate, with
Mr. Mohak Badana, Advocate, for respondent No.8.

Ms. Ritu Chaudhary, Distt. Education Officer, Faridabad,
for respondent No.6.

SUDHIR MITTAL, J. (Oral)

CM-8141-CWP-2021

This application has been filed for preponing the date of hearing in the main case which is pending for 21.01.2022.

For the reasons stated in the application, the same is allowed and main case is advanced to today. The same is taken on board.

CWP-2400-2021(O&M)

The short grievance of the petitioners is that order dated 15.10.2020 passed by the Fee and Fund Regulatory Commission, Faridabad, is not being complied with. As per the said order, the respondent No.8-School has been directed to charge fee as per fee structure existing in the Academic Session 2014-15 subject to final verdict. The education of the students shall also not be disrupted in any manner.

Learned counsel for respondent No.8 fairly states that the directions given in order dated 15.10.2020 have neither been reversed nor have they modified. His only argument is that subsequent directions have been issued by the State of Haryana and according to the said directions the respondent No.8-School is entitled to charge a higher fee than that prescribed for the Academic Session 2014-15.

The submission cannot be accepted for the simple reason that subsequent directions issued by the State of Haryana are general in nature. They do not override the specific directions issued vide order dated 15.10.2020 (Annexure P-12) and hence no benefit of the same can be taken.

Accordingly, the writ petition is disposed of with a direction to respondent No.8 to only charge the fee chargeable during the Academic Session 2014-2015, till the final verdict is pronounced by the Fee and Fund Regulatory Committee. If the petitioners are not being permitted to attend online classes/physical classes on account of non-payment of higher fee demanded, they shall immediately be permitted to do so subject to payment of all arrears of fee at the rate chargeable in the Academic Session 2014-2015.

Pending applications, if any, stand disposed of.

Respondent No.6 is present in person. Her presence is dispensed with.

28.10.2021
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(SUDHIR MITTAL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes/No
Yes/No