

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

CWP NO. 1581 OF 2022 (O&M)

DATE OF DECISION: 17.02.2022

Abhigyan Sarup

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA

Present : Mr. Divay Sarup, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Petitioner, a minor student has filed instant petition through his father, who appears in person and *inter-alia*, seeks issuance of a writ, order or direction in the nature of mandamus restraining the respondents from taking any measure to deny the facility of online/offline classes to the petitioner and further to restrain the respondent to not take any coercive measures so as to collect the amount of revision of fee in excess of 10% of the fee charged during the session 2020-21.

2. Father of the petitioner argues that the school has unreasonably revised the fee for the session 2021-22. He further contends that for the Session 2020-21, the classes for the first six months were held

online. It is only after 01.10.2021, the classes are now being held offline on alternate days, therefore, school should not hike the fee.

3. Having heard rival contentions, I am of the opinion that similar controversy has already been decided on 06.09.2021 by a Coordinate Bench of this Court vide CWP No. 16126 of 2021. For ready reference, relevant extract of the judgment/order dated 06.09.2021 is reproduced herein below :

“Counsel for the petitioners was asked to refer to the relevant Rule contained in the Haryana School Education Rules, 2003 (hereinafter referred to as the Rules) under which the Director General Secondary Education, Haryana can take action against respondent No.6-school on the allegation that it is charging excess fee, however, the learned counsel has not been able to do so.

Vide Rule 158-A, Fee and Fund Regulatory Committee is provided for entertaining complaints regarding charging of excess fee. The said Committee is statutorily required to complete its proceedings within 60 days from the receipt of the complaint and issue necessary directions in case it finds that over charging is being done. It can also recommend withdrawal of the recognition/affiliation of the school. The actions taken by the 3rd respondent and recommendations made by it appear to be beyond the Rules. Thus, no directions can be issued in this writ petition. The same is dismissed.

The petitioners would, however, have liberty to approach the Fee and Fund Regulatory Committee for necessary relief, if so advised.”

4. The instant writ petition stands disposed of with liberty to the petitioner to seek his remedy in accordance with above view taken by this Court.

5. In any case, in the parting, I may hasten to add here that I am of the view that once the schools have now resumed to normal functioning and the classes are taking place, it is expected of the petitioner who is

parent of ward, to resume payment of the tuition fee, as was being done during pre-COVID time. However, the question with regard to charges to be paid during COVID-19 period is left open to be decided by the competent authority.

6. Disposed of accordingly.

FEBRUARY 17, 2022
Shalini

(ARUN MONGA)
JUDGE

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