

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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LPA-236-2022 (O&M)

Date of decision: 25.03.2022

ABHIGYAN SARUP

..APPELLANT

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL***

**Present: Mr. Divay Sarup, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J.

Challenge in this appeal is to the judgment dated 17.02.2022 passed by the learned Single Judge in CWP No. 1581 of 2022, wherein the writ petition preferred by the appellant as minor through his father seeking an 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 respondents 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, stands dismissed.

Learned counsel for the appellant has pointed out certain aspects which include the assertions that the learned Single Judge has not given him an opportunity to project the case in detail. He has gone to the extent of saying that the Court had, without considering the grounds which

have been taken, proceeded to decide the writ petition granting liberty to the petitioner to seek his remedy in the light of the observations made by the Court in CWP No. 16126 of 2021 decided on 06.09.2021, where, in similar circumstances, where allegations were that the fee was being charged in excess, liberty was granted to approach the Fee and Fund Regulatory Committee for necessary relief, if so advised, without realizing that the said observations would not be applicable to the case in hand.

Assertion has also been made that the Court had, in the penultimate paragraph of the order, added that once the schools have now resumed to normal functioning and the classes are taking place, it was expected of the appellant to resume payment of the tuition fee regularly which was being done during the pre-COVID time leaving open the question with regard to charges to be paid during COVID-19 period to be decided by the competent authority i.e. the Fee and Fund Regulatory Committee. These observations, the counsel states, are without any basis and in the absence of any pleadings to that effect.

When the Court had confronted the counsel with the aspects, which have been projected before the Court during the course of hearing, relate to the proceedings, which were conducted before the learned Single Judge, without there being any observations to that effect and that the appellant needs to first approach the Court and bring the said facts to the notice of the learned Single Judge, the counsel for the appellant has not agreed to the same and has insisted upon the order to be passed by this Court.

As regards the aspect of the proceedings before the learned Single Judge, this Division Bench is unable to comment thereupon.

As regards the aspect of the appellant having liberty to approach the Fee and Fund Regulatory Committee for the necessary relief, which is based upon the observations of this Court in an earlier writ petition, which was of similar nature, we do not find any reason for differing from the said opinion, as expressed and recorded by the learned Single Judge.

No ground is, thus, made out for interfering with the impugned order passed by the learned Single Judge.

The appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

March 25, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No