

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

129

CWP-18250-2023

Date of Decision: 22.08.2023

Federation of Private Schools Welfare Association

.... **Petitioner**

Versus

State of Haryana and others

.... **Respondents****CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present: Mr. Pankaj Maini, Advocate for the petitioner.

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**SANJEEV PRAKASH SHARMA, J (ORAL)**

1. Learned counsel for the petitioner submits that the petitioner is a federation and seeks to challenge the letter dated 17.07.2023 (Annexure P-4) and the letter dated 04.07.2022 (Annexure P-5), whereby, the District Education Officer has demanded to deposit the amount of Rs.30/- per student for class 9<sup>th</sup> & 10<sup>th</sup> for the year 2023-2024 and Rs.60/- for class 11<sup>th</sup> & 12<sup>th</sup> and onwards as mentioned in the letter dated 17.07.2023. The said order is in pursuance of the earlier letter dated 04.07.2022 which mentions that 10% of the funds are marked for sports activities.

2. Learned counsel for the petitioner submits that as per the letter/notification dated 28.04.2011, chapter 4 provides for allowing collection of only one fund known as Children's Welfare Fund instead of different funds which were earlier being collected and accordingly, the rate of monthly consolidated subscription has been provided therein. From the said funds collected, the total allocation for promotion of sports at the State and National level is only 5% to be sent to the headquarter while for promotion of sports in the school, it is 10%. Thus, the demand could have been only upto 5% of the sports activities at the State and National level which could be sent to the headquarter.

3. Learned counsel for the petitioner further submits that the letter dated 17.07.2023 demands Rs.30/- per student of 9<sup>th</sup> & 10<sup>th</sup> class, whereas the total funds collected under the category of Children's Welfare Fund is only Rs.300/- per year. Thus, the amount is 10% instead of 5%.

4. I have heard learned counsel for the petitioner at length and have considered the submissions.

5. The work of sports funds as mentioned in the letter dated 17.07.2023 has to be read with the meaning as mentioned in the letter dated 04.07.2022 where it is specifically mentioned that the sports funds usually means 10% of all funds marked for sports activities.

6. The contention of learned counsel for the petitioner that the order dated 28.04.2011 only allows 5% to be sent to the headquarter out of 10% to be collected for promotion of sports in the school, is found to be misconceived. It is to be noticed that for promotion of sports in the school, the orders specifically mention 10%. Out of the said 10%, 5% is to be sent to the headquarter. The demand is being raised at the level of District Education Officer and therefore, it cannot be said that the demand is at the level of headquarter but is only at the level of the District. Accordingly, the demand raised by the District Education Officer, vide his letter dated 04.07.2022 and subsequently, vide order dated 17.07.2023 cannot be said to be unjustified or contrary to the order/notification dated 28.04.2011 which mentions how the funds collected under the Children's Welfare Fund shall be distributed.

7. Keeping in view the above, no ground is made out to interfere in the present petition and accordingly, the same is dismissed.

(SANJEEV PRAKASH SHARMA)  
JUDGE

22.08.2023

D.Bansal

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