

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

**Civil Writ Petition No.17038 of 2016**

**MNV School Parents Welfare Association, Faridabad**

**Vs.**

**State of Haryana and others**

Present:- Mr. Aman Pal, Advocate for the petitioner.

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Inter-alia submits that the petitioner had earlier come to this Court in Civil Writ Petition No.20363 of 2012 which was disposed of on 11.7.2013 (Annexure P/21) in view of the order of Division Bench in Civil Writ Petition No.20545 of 2009 decided on 9.4.2013. Thereafter, the Fee and Fund Regulatory Committee at the divisional level was set up under the chairmanship of the Divisional Commissioner under Rule 158A of the Haryana School Education Rules, 2003 as amended in 2007. The said authority had noticed that there were complaints against various schools including respondents no.6 and 7.

Accordingly, audit had been ordered vide order dated 24.7.2015 under the over all supervision of the Additional Deputy Commissioner, Faridabad and report was to be submitted within 3 months. The school management was restrained from taking any action against the students regarding expelling or withdrawing any facility from the students.

The petitioner had thereafter had approached this Court by way of filing Civil Writ Petition No.16254 of 2015 which was disposed of on 15.9.2015 (Annexure P/26) as premature since the audit was time bound and to conclude within a period of three months i.e. 24.10.2015. However, the petitioner was given liberty to approach this Court as and when the audit is completed and if the Commissioner did not proceed ahead on the basis of representations.

***For Subsequent orders see CM-11323-CWP-2016***

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It is submitted that respondent no.7 school thereafter when the audit proceedings were almost complete filed an appeal against the order dated 24.7.2015 after almost a period of one year and the operation of the said order was stayed and delay was condoned without even issuing notice to the concerned parties on 15.6.2016 (Annexure P/27). It is further submitted that representation dated 3.7.2016 (Annexure P/28) has been filed before the Additional Chief Secretary regarding the grievance of the petitioner on account of the stay granted. In the meanwhile respondent-school has started issuing revised demand of enhanced fee and threatened to strike off the names of the students (Annexure P/29).

Notice of motion for 13.9.2016.

Mr. Rajbir Singh, Assistant Advocate General, Haryana, accepts notice on behalf of respondents no.1 to 5 and prays for time to file reply.

Let the needful be done on or before the next date.

Requisite number of copies of the writ petition be supplied to the counsel for the State during course of the day.

Respondents no.6 and 7 be served by way of *dasti* process.

In the meantime, respondent-school shall not expel any student or strike them off from roll of the school on account of non payment of enhanced fee.

**22.08.2016**  
Pka

**(G.S.Sandhawalia)**  
**Judge**