

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

**CWP No.20545 of 2009 (O&M)**

**Date of decision: 07.08.2014**

Anti Corruption & Crime Investigation Cell

... Petitioner

Versus

State of Punjab and others

...Respondents.

**CORAM: HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA  
ACTING CHIEF JUSTICE  
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Ms.Charu Sharma, Advocate for  
Mr.Raman Sharma, Advocate for the petitioner.

Mr.Suvir Sehgal, Additional Advocate General, Punjab.

Ms.Polika Monga, Additional Advocate General, Haryana.

Mr.Daman Dhir, Advocate for U.T.

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**ASHUTOSH MOHUNTA, ACJ (Oral)**

This writ petition was disposed of vide order dated  
09.04.2013, the operative part of the judgment is as under:

“We accordingly give directions to the States of Punjab, Haryana as well as Union Territory, Chandigarh to examine the feasibility of establishing such a mechanism and take decision thereupon within a period of six months from today. Till that is done and in order to sort out the issue as to whether the hike in fees by the schools is proper or not, we would like to follow the same path as done by the High Court of Delhi, namely, setting up a Committee with the task to go into the accounts of the Schools and find out the reasonableness of increase in fees by the schools.”

After the writ petition was disposed of, status reports have

been filed by the States of Punjab, Haryana as well as the U.T., Chandigarh.

According to the counsel appearing on behalf of the State of Haryana in the affidavit filed by Surina Rajan, Principal Secretary to Govt. of Haryana, School Education, wherein, it has been stated that the Fee Committee is headed by Hon'ble Ms. Justice Kiran Anand Lall(Retd.) is functioning as complete infrastructure has been provided the said affidavit reads as under:-

“That in compliance of the order of Hon'ble High Court, the entire matter was reconsidered and examined at length by the Government and after detailed deliberations, the following amendments/ insertions were made/ incorporated in the Haryana School Education Rules, 2003 vide Haryana Government, School Education Department notification No.8/27-2013PS(2), dated 28<sup>th</sup> January, 2014:-

“158-A. Fee and Funds Regulatory Committee-

(1) There shall be a committee to be known as Fee and Funds Regulatory Committee at the Divisional Level under the Chairmanship of Divisional Commissioner, who shall be assisted by the following officers/officials

(i) District Education Officer/District Elementary Education Officer (ex-officio member) to be nominated by the chairman.

(ii) A retired Accounts Officer/Chartered Accountant to be nominated by the Chairman on such terms and conditions, as may be approved by the Government.

(2) Where the committee on receipt of any complaint or otherwise is satisfied after de enquiry, that a private school has charged capitation fee or fee in excess of the fee as notified by the school, it would ensure the redressal of the complaint so received within a period of 60 days from the receipt of complaint and it may:-

(i) direct the concerned institution to refund the capitation fee or fee in excess of the fee as notified by the school, as the case may be;

(ii) recommend withdrawal of recognition/affiliation of the school to the Director who shall pass the order accordingly.

(3) Before taking any action or passing any order under sub-rule (2) above, the committee shall provide a reasonable opportunity of being heard to such institution.

158-B. Appeal- any person or school management aggrieved by any direction or order passed under rule 158 A, may file an appeal to the Administrative Secretary within a period of 30 days from the date of such order.”

As far as, State of Punjab is concerned, Status report by way of an affidavit of Anjali Bhawra, I.A.S., Principal Secretary to Govt. of Punjab, Department of School Education has been filed wherein it has been averred that the Committee headed by Hon'ble Mr. Justice Amar Dutt (Retd.) is functioning from the premises of Punjab School Education Board, Mohali and the relevant records as required are being made available to the aforesaid Committee.

As far as, U.T. Chandigarh Committee is concerned, it is being headed by Hon'ble Mr. Justice R.S.Mongia, (Retd.) Chief Justice along with two other persons and the Committee is functioning.

As far as, State of Haryana, Ms.Polika Monga, Additional Advocate General, Haryana further submits that there has already been amendment in the Haryana School Education Rules, 2003 vide Haryana Government, School Education Department notification No.8/27-2013 PS(2) , dated 28.01.2014. and therefore the directions of this Court have been duly complied with qua future course of

action.

As far as, State of Punjab is concerned, Mr.Suvir Sehgal, Additional Advocate General states that the State is in the process of bringing a legislation in the matter.

As far as, U.T., Chandigarh is concerned, counsel for the U.T. States that they will follow the steps taken by the Punjab Government.

In view of the above, we are satisfied that the directions given by this Court while disposing of this writ petition have been duly complied with. No further directions are required to be issued.

The writ petition is ordered to be closed.

**(ASHUTOSH MOHUNTA)**  
**ACTING CHIEF JUSTICE**

**(HARINDER SINGH SIDHU)**  
**JUDGE**

07.08.2014  
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