



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

Date of Decision : 05-08-2025

1. CWP-35075-2019 (O&M)

**SHRI GURU ARJAN DEV SENIOR SEC SCHOOL KANDYAL
BATALA AND ORS.**

.....Petitioner(s)

VERSUS

PUNJAB SCHOOL EDUCATION BOARD AND ANR.

.....Respondent(s)

2. CWP-31951-2019 (O&M)

D.A.V SENIOR SECONDARY SCHOOL AND ORS.

.....Petitioner(s)

VERSUS

PUNJAB SCHOOL EDUCATION BOARD AND ANR.

.....Respondent(s)

3. CWP-3355-2020 (O&M)

A.S SENIOR SECONDARY SCHOOL AND ORS.

.....Petitioner(s)

VERSUS

PUNJAB SCHOOL EDUCATION BOARD AND ANR.

.....Respondent(s)

AND

4. CWP-5855-2020 (O&M)

C.L.H SENIOR SECONDARY SCHOOL AND ORS.

.....Petitioner(s)

VERSUS

PUNJAB SCHOOL EDUCATION BOARD AND ANR.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Dilpreet Singh Gandhi, Advocate
For the petitioner(s) in CWP No.35075 of 2019 and
CWP No.5855 of 2020.**

**None for the petitioner(s) in CWP No.31951 of 2019 and
CWP No.3355 of 2020.**

Mr. Rahul Rampal, Addl. A.G., Punjab.

Ms. Gursimran Kaur, Advocate for
Mr. Puneet Sharma, Advocate
For the respondent in CWP No.31951 of 2019 and
CWP No.3355 of 2020.

Mr. Ashish Verma, Advocate
For the respondent in CWP No.35075 of 2019 and
CWP No.5855 of 2020.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present is the bunch of four writ petitions, the details of which are mentioned in the heading involve common question of law in the context of common set of facts and thus they are being decided by a common order.
2. In the present bunch of petitions, the grievance being raised by the petitioner(s)-Schools is against the order Annexure P-3 by which, the petitioner(s)-Schools have been directed to deposit security fee amounting to Rs.1,50,000/-, which has been enhanced from Rs.10,000/-.
3. Learned counsel for the petitioner(s)-Schools submits that once, the petitioner(s)-Schools have already deposited the security amount at the time when they were granted affiliation, the same cannot be demanded again at an enhanced rate hence, the demand of the same is arbitrary and illegal and the same is liable to be set aside.
4. Learned counsel appearing on behalf of the respondents submits that at the time, the petitioners(s)-Schools were granted the affiliation, the security fee was set at Rs.10,000/- which was deposited at

that time but as the security fee has been enhanced vide Annexure P-3, the petitioner(s)-Schools have been directed to deposit the enhanced security fee for the reason that the security fee is collected to act as a deterrent so as to prevent the petitioner(s)-Schools from violating the Affiliation Rules and in case, they violate, the higher amount could be forfeited hence, this is not a fee which is being charged but it is being kept as a security and in case, there is no violation of Affiliation Rules, the same will be refunded back to the petitioner(s)-Schools.

5. I have heard the learned counsel for the parties and have gone through the records of the present bunch of case with their able assistance.

6. It is not a case that any security fee which has been deposited by the petitioner(s)-Schools at the time of the Affiliation, is being demanded again. At the time of affiliation, a certain amount of security fee, which is demanded as a deterrence so that the petitioner(s) will not default in performing the duties as have been envisaged under the Affiliation Rules and in case of any default, the same could be withheld and encashed, but keeping in view the changed scenario, when the fee of the students had undergone a revision, in order to safeguard the interest of the student and for compliance of the Affiliation Rules, the security amount is being enhanced.

7. It should be noted that the security amount required to be deposited is not a fee but only a secured deposit with the State to create a deterrence against violation of Rules and ensure that there will be no default by the School concerned and in case, there is no default at the end at the hands of the petitioner, the same is liable to be refunded.

8. Hence, once, it is not a fee which is being charged apart and only a security amount which is being enhanced in order to ensure that the petitioner(s)-Schools adhere to the Affiliation Rules, the same cannot be treated as arbitrary or illegal in view of the changed circumstances.

9. At this stage, learned counsel for the petitioner(s)-Schools submits that they are ready to deposit the FDRs amounting to Rs.1,50,000/- but the same is not being accepted.

10. Learned counsel for the respondents submits that the amount of Rs.1,50,000/- should be deposited in a manner, which can be forfeited and encashed in case of the default at the cost of the petitioner(s)-Schools.

11. Learned counsel for the petitioner(s)-Schools are directed to deposit the amount of Rs.1,50,000/- as being demanded by the respondent School Education Board in a manner the same amount can be encashed in case of default of the part of the concerned Schools and in case, the same is to be deposited by way of FDR, appropriate conditions should be mentioned that in case of the default, the said FDR can be forfeited and encashed by the authorities concerned.

12. Present petitions are disposed of with the above observations.

13. Pending application, if any, also stands disposed of.

14. Photocopy of this order be placed on the files of other connected cases.

05-08-2025
Sapna Goyal

**(HARSIMRAN SINGH SETHI)
JUDGE**

NOTE: Whether speaking: YES
Whether reportable: NO