



CWP-13396-2018 (O&M) & connected cases 1

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

**(278) CWP-13396-2018 (O&M)
Date of Decision : March 03, 2025**

DPSG Parents Association Palam Vihar, Gurgaon .. Petitioner

Versus

State of Haryana and others .. Respondents

(2) CWP-26016-2018 (O&M)

DPSG, Palam Vihar, Gurugram .. Petitioner

Versus

State of Haryana and others .. Respondents

(3) CWP-10497-2020 (O&M)

Ashok Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(4) CWP-13558-2018 (O&M)

DPSG Parents Association, Palam Vihar Gurgaon .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Vikas Chaudhary, Advocate, for
Mr. Ashok Tyagi, Advocate, for the petitioner(s)
in CWP-13396-2018 and CWP-13558-2018.**

**Mr. Amandeep Singh Talwar, Advocate,
for the petitioner in CWP-26016-2018.**

**CWP-13396-2018 (O&M) & connected cases 2**

Ms. Supriya Garg, Advocate, with
Ms. Nikita Sharma, Advocate, for the petitioner
in CWP-10497-2020.

Mr. Sharan Sethi, Addl. Advocate General, Haryana.

Mr. Kannan Malik, Advocate, for respondent No.8-CBSE
in CWP-13396-2018.

HARSIMRAN SINGH SETHI J. (ORAL)**CM-16899-CWP-2018 in CWP-13396-2018****CM-16903-CWP-2018 in CWP-13558-2018**

Present applications have been filed for impleading the applicant DPSG Palam Vihar (School) as respondent No.10 in CWP-13396-2018 and as respondent No.11 in CWP-13558-2018.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed. The applicant DPSG Palam Vihar (School) is impleaded as respondent No.10 in CWP-13396-2018 and respondent No.11 in CWP-13558-2018 and the amended memo of parties attached with the applications is taken on record.

CWP-13396-2018 & connected cases

1. By this common order, four writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.
2. In the present bunch of writ petitions, the prayer of the petitioners who are parents of the students as well as by the School is qua the same report given by the Committee dated 13.04.2018 (Annexure P-2). The petitioner-parents of the children who have approached this Court are seeking the compliance of the said report wherein, it has been distinctly held that enhancement of the fees by the School is unjustified whereas, the respondent-Schools are objecting to the findings recorded by the

**CWP-13396-2018 (O&M) & connected cases 3**

Committee.

3. Learned counsel appearing on behalf of the respondent-State submits that under the Rules governing the said issue as per Rule 158-B of the Haryana School Education Rules, 2003 (hereinafter referred as '2003 Rules'), an appeal can be preferred by the Schools in case they are aggrieved against the report of the Committee in any manner and in case, any such appeal is preferred within a period of 30 days from date of order of Committee, the same will be entertained and decided on merits by giving due opportunity of hearing not only to the School but also to the parents of the students before arriving at a conclusion qua the objections being raised by the School concerned qua the report of the Committee dated 13.04.2018 (Annexure P-2), which Committee was formed vide order dated 15.12.2017 passed by this Court by giving due direction to the State Government.

4. Learned counsel for the respondent-School submits that keeping in view the statement of learned State counsel, the respondent-School will file due objections/appeal before the Appellate Authority under Rule 158-B of the 2003 Rules for the consideration of the Appellate Authority.

5. Learned counsel for the parents of the students submits that they are entitled for the refund of excess fee paid by them but as the Schools are availing their remedy of appeal against the report of Committee under Rule 158-B of the 2003 Rules, direction be given to the respondent-State that in case, report of the Committee dated 13.04.2018 is upheld, any excess fees deposited by the parents, be got refunded by adopting due process so that the parents do not suffer any financial prejudice.

**CWP-13396-2018 (O&M) & connected cases 4**

6. Learned counsel for the respondent-School also submits that in case they are successful in challenging the report of the Committee by way of appeal and are found entitled for any fees, which is yet to be paid by the students, liberty be given by the State to claim the same in accordance with law.

7. Keeping in view the facts and circumstances of the present case, the present writ petitions are disposed of having been not pressed any further with the liberty to the respondent-School to file an appeal under Rule 158-B of the 2003 Rules before the State to be decided within a period of four months from the date the same is received in case any such School feels aggrieved. In case, no appeal is preferred by the respondent-School within a period of 30 days from today, it will be deemed that despite taking liberty, the Schools are not interested in filing the appeal and have no objection qua the report of the Committee, which report will then be implemented in the manner required so that the parents of the children do not suffer any financial prejudice.

8. It may be noticed that in case any appeal is preferred by respondent-School and still the report of the Committee is upheld by the Appellate Authority, due action shall be taken by the State to ensure that fees collected by the School beyond their entitlement, is refunded back to the parents of the student concerned who had paid the same. In case, the report of the Committee is set aside, in case the School still has any entitlement towards the parents of the children, due liberty be given to the School to claim the same from the parents in accordance with law.



CWP-13396-2018 (O&M) & connected cases 5

9. It is further clear that in case any of the party aggrieved against the order in appeal, can avail appropriate remedy available to them.

10. Civil miscellaneous application pending if any, also stands disposed of.

11. A photocopy of this order be placed on the file of other connected cases.

March 03, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No