

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

Date of decision:20.03.2017

Balwant Singh

.....Petitioner

v.

Sarvesh Kaushal and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.HC Arora,Advocate for the petitioner
Mr.Anant Kataria,DAG Punjab

Jaswant Singh,J(Oral).

Three writ petitions including CWP 20545/2009 was filed challenging inaction on the part of authorities concerned in not controlling the fees being charged by unaided private educational institutions in the States of Punjab,Haryana and UT Chandigarh despite relevant regulations being in place.

The said writ petitions were disposed of by this Court vide common order dated 9.4.2013 with directions to aforesaid three States to examine the feasibility of establishing such a mechanism and take decision thereupon within a period of six months from the date of decision. It was further directed that 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, the course adopted by Delhi High Court on similar issue was

followed by setting up separate Committee for each of the three States with the task to go into the accounts of the schools and find out the reasonableness of increase in fees by the Schools.

Now instant contempt has been filed alleging disobedience of order dated 9.4.2013.

Upon notice, short affidavit dated 7.12.2016 of G.Vajralingam,IAS,Addl. Chief Secretary to Government of Punjab,Department of School Education was filed stating therein that Department of School Education had prepared draft Ordinance and placed the same before the Cabinet in its meeting held on 23.5.2016 for approval. However, the Cabinet after due deliberations constituted a Committee of Ministers to consider the draft thoroughly. The Committee considered the draft Ordinance in its meeting held on 7.11.2016 and finalised its recommendations and the same were submitted to the competent authority for final decision.

During the course of hearing on 7.12.2016 after observing the contents of said affidavit dated 7.12.2016 the matter was deferred for today.

At the time of hearing today, an additional affidavit dated 20.3.2017 of G.Vajralingam,IAS,Addl. Chief Secretary to Government of Punjab,Department of School Education has been filed stating therein that as per subsequent decision of the Cabinet, the Punjab Regulation of Fee of Unaided Educational Institutions Bill,2016 was presented in the State Legislature in its sessions held on 19.12.2016 for

enacting an Act and the same was passed. Accordingly Punjab Regulation of Fee of Unaided Educational Institutions Act,2016(Punjab Act 47 of 2016) has been enacted. A copy of the Act has been annexed as Annexure R-1.

In this view of the matter, learned counsel for the petitioner concedes that the instant contempt petition has become infructuous.

Dismissed as having become infructuous.

20.03.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No