

CWP-7574-2020; Haryana Progressive Schools' Conference and others vs. State of Haryana and others has been disposed of by the Hon'ble Punjab and Haryana High Court vide order dated 27.07.2020 by holding as under:-

"...the said petition, having similar dispute, is being disposed of in terms of order dated 30.06.2020, passed in CWP-7409-2020, titled as Independent Schools' Association Chandigarh (Regd.) & others vs. State of Punjab and others."

Consequently, the directions issued by the Hon'ble High Court in Independent Schools' Association case (supra), which are applicable in respect of the schools located in the State of Punjab are to be read in respect of schools located in the State of Haryana. The said directions are being delineated, albeit summarily, as under:-

a) Admission Fees:

The schools can collect Admission Fees.

b) Tuition Fees:

The schools can collect Tuition Fees.

c) Annual Charges:

- The school management of each school shall work out their actual expenditure incurred under the Annual Charges for the period the school remained closed.
- Recover genuine expenditure incurred by Schools including actual transport charges and actual building charges.
- The Schools cannot recover any charge, for the period, for any activity or facility towards which no expenditure was incurred.
- However, the Annual Charges for the remaining period shall be recovered as already fixed by the school;

d) Restrain from increasing the Fees:

The schools shall adopt the same fees structure as of 2019- 20 and restrain themselves from increasing the fees for the year 2020-21.

e) Representation to School by parents who are unable to pay Fees:

- Any parent unable to pay the school fees in the above terms may file application alongwith necessary proof about their financial status to the School.
- The School shall look into it and may give concession or exempt the entire fees, as the case may be.
- In case the parent is still aggrieved with an adverse decision by the school, he may approach the [Regulatory Body, constituted under Section 7 of the Punjab Regulation of fee of Un-aided Educational Institutions Act, 2016]¹.

¹[Since under Haryana School Education Act, 1995, the Regulatory Body is Fee and Fund Regulatory Committee ('FFRC') constituted under Rule 158-A of the Rules framed thereunder, the Regulatory Body referred to in the order is to be read and understood as FFRC and the relevant provision is to be read and understood as Rule 158-A]

- No parent shall misuse the concession by laying a false claim.

f) Parents can approach Regulatory Body against School for charging excessive fee or carrying out activity for financial benefit

No specific direction has been given by Court in this regard since the parents can approach [Regulatory Body under Section 7 of Punjab Regulation of fee of Un-aided Educational Institutions Act, 2016]².

²[The Regulatory Body referred to in the order is to be read and understood as FFRC and the relevant provision is to be read and understood as Rule 158-A]

g) Representation by School facing financial crunch :

- In case any school is facing a financial crunch for not charging increased fee for the year 2020-21, it may move a representation to the District Education Officer ('DEO') alongwith its proof of the same.
- DEO shall look into the Representation and pass appropriate orders within three weeks of the receipt of such an application.
- However, this may be exercised only where the school is facing financial crunch and has no reserved resources to meet the expenses.

h) No modification in the direction Nos.(ii), (iii) and (v) of order dated 14.05.2020:-

- “ii. Given the exceptional circumstances occasioned by the lockdown, private schools are advised not to impose any increase in school fees in 2020-21 over those charged in 2019-20*
- iii. Schools should allow the option to parents to pay fees on monthly or quarterly basis*
- v. School management should not resort to removal of any teacher or reduction in the monthly salary or total emoluments of teaching/non-teaching staff. “*

The [aforementioned directions formed part of Memo dated 14.05.2020, which was under challenge in Independent Schools' Association case (supra)]³, and have not been modified by the judgment.

³[Though direction nos. ii and iii could be said to be similar to those appearing in memo dated 22.05.2020, there is no direction corresponding to direction no.v, thus the order pertaining to direction no.v would not be applicable to the case of Haryana Schools].

i) Online Classes:

The Schools will continue to endeavour and impart online/ distance learning so that education is not adversely impacted

j) No child to be deprived of attending schools and online classes:

However, this direction is made subject to the parent of a child moving an application as stated above and final decision on the said application.