
(2003) 10 DEL CK 0064
In the Delhi High Court
Case No : C.W.P. No. 2558 of 2003

Madan Singh and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 14-10-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 110 DLT 370 : (2004) 74 DRJ 429

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : Jyoti Singh, for the Appellant; S.K. Taneja, Senior Advocate and Puneet Taneja and S. Rajappa, for the Respondent

Judgement

Vikramajit Sen, J.

C.W. No. 2558/2003:

1. In my view the matter is fully covered by the decision of the Hon''ble Division Bench in N.R. Choudhary Vs. Ministry of Human Resource Development and Others, . Counsel for the petitioner has attempted to draw the distinction between the said judgment and the facts of the present case inasmuch as unlike the petitioner before the Division Bench, the present petitioners are the wards of CISF employees. Keeping in view the gravamen of the judgment and the fact that it has been specifically observed that a distinction can be drawn between wards of NTPC employees and other persons. I do not think that it would make any material difference whether the non-NTPC employees are from another organisation or are civilians. It has been stated by Mr. Taneja, learned Senior Counsel appearing for the NTPC that Sh. N.R. Choudhary is a Central Government employee. All the petitioners are thus of like status and standing.

2. The other contention is that the Hon''ble Division Bench was not ceased with an astronomical increase in the fees inasmuch as the fee has now been raised to Rs. 400/-. Even this submission is not of substance since in paragraph 6 the

proposed fee of Rs. 400 /- has been countenanced.

3. So far as the levy of fee is concerned the Division Bench took note of the fact that the Hon''ble Supreme Court had disagreed with the view expressed in Unikrishanan's ease and had clarified in the TMA Pai's Foundation decision that private institutions are free to impose a fee structure of their own.

4. There is yet another reason why this petition ought not to be entertained and that is that the correctness or appropriateness of the fee can be best considered by the Fee Anomaly Committee which has been constituted by the Director of Education. Learned Counsel for the petitioner vehemently contends that this exercise would take an inordinate time. There is no foundation for the statement. The Anomaly Committee ought to be as concerned as this Court on the incidence of any increase in Tuition Fees on the parents of the concerned students. I do not consider this an appropriate case to exercise the extraordinary jurisdiction under Article 226 of the Constitution.

5. On previous hearings a statement had been made by Counsel appearing for the Kendriya Vidhalaya Sangathan that the names of the wards of the petitioners shall not be struck off from the rolls of the School on the grounds that the fees have not been paid. This statement shall continue in force for a period of two months from today by which time the petitioners may decide whether to withdraw their wards from the present School or to continue their studies as at the present. In the event that they chose to continue their children's education in the respondent School, all arrears shall be paid within this period.

6. Ms. Jyoti Singh, Advocate had submitted that the wards of the petitioners would be disentitled to seek admission in any other Kendriya Vidhalaya. Counsel for the Kendriya Vidhalaya Sangathan clarifies that the wards of the petitioners are fully entitled to seek admission in any other Kendriya Vidhalaya in the event that they are dissatisfied with the fees payable in the NTPC Kendriya Vidhalaya, Badarpur.

With these observations. Writ petition is disposed of.