
(2014) 07 SHI CK 0176

In the High Court Of Himachal Pradesh

Case No : CWP Nos. 4366, 9500 and 9501 of 2013

Neeta Ram

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 04-07-2014

Acts Referred:

Citation : (2014) 07 SHI CK 0176

Hon'ble Judges : Piar Singh Rana, J

Bench : Single Bench

Advocate : B.B. Vaid and P.P. Chauhan, Advocate for the Appellant; M.L. Chauhan, Addl. AG, Pushpinder Jaswal, Dy. A.G., J.L. Bhardwaj and Pankaj Sharma, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Piar Singh Rana, J.—Civil Writ Petitions Nos. 4366, 9500 and 9501 of 2013 are disposed of simultaneously because same question of law and facts are involved in all Civil Writ Petitions. It is pleaded that B.Ed Course was started on dated 1st October 2012. It is pleaded that on 20th April 2013 respondent No. 1 issued order regarding increase of tuition fee. It is further pleaded that on 30th May 2013 respondent No. 3 directed all the Principals of Private B.Ed Colleges to increase the fee structure. It is further pleaded that on 6th June 2013 respondent No. 4-Sai Saraswati Institute for Teacher Education Shangit-III Summer Hill Tehsil and District Shimla HP through its Principal demanded a sum of Rs. 7150/- in pursuance of Annexures P2 and P3. It is Whether reporters of the Local papers are allowed to see the judgment?. Yes. further pleaded that petitioners took admission in B.Ed Course. It is further pleaded that prospectus were issued by respondent No. 4. It is further pleaded that terms and conditions of the prospectus are binding upon the parties. It is further pleaded that no parties can be allowed to change the terms and conditions mentioned in the prospectus at the time of admission. It is further pleaded that respondents have unilaterally violated the terms and conditions and unilaterally increased the fee in

illegal manner which is not binding upon the petitioners. It is further pleaded that tuition fee was illegally enhanced from Rs. 28,600/- to Rs. 35,750/- for the academic session 2012-13 by respondent No. 4. Prayer for acceptance of writ petitions and quashing of Annexure P2 to Annexure P4 sought.

2. Per contra reply filed on behalf of the respondents pleaded therein that tuition fee was revised as per direction of the Hon''ble High Court of HP issued in CWP No. 1862 of 2011. It is pleaded that revised tuition fee was also challenged by Preeti and others Vs. HP University and another in CWP No. 5180 of 2013 decided on 24th July, 2013 and Hon''ble Division Bench of the High Court of HP held that increase in the tuition fee was neither arbitrary nor unreasonable. It is further pleaded that tuition fee was revised in compliance to the direction of Hon''ble High Court of HP. Prayer for dismissal of the writ petitions sought.

3. Court heard learned Advocate appearing on behalf of the parties and also perused entire records carefully.

4. Submission of learned Advocate appearing on behalf of the petitioners that increase in tuition fee during the session was contrary to the terms and conditions of the prospectus issued at the time of admission and it is not binding upon the petitioners is devoid of any force for the reason hereinafter mentioned. It is proved on record that the issue with regard to enhancement of tuition fee in relation to the privately managed unaided B.Ed Colleges came up for consideration before Hon''ble High Court of HP in case reported in 2013(1) Shim. LC 41 titled Himachal Pradesh B.Ed. Colleges Association (Regd.) Vs. State of Himachal Pradesh and another wherein the State was directed to reconstitute the Committees for determining the fee structure with respect to B.Ed Course in the private unaided institutions keeping in view the provisions of NCTE Act, HP University Act/Ordinances/Statute as also the decisions rendered by the apex Court in case reported in P.A. Inamdar and Others Vs. State of Maharashtra and Others, and in view of the ruling given by the apex Court reported in T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others, and in view of ruling reported in Islamic Academy of Education and Another Vs. State of Karnataka and Others, . Directions were issued even with regard to the Courses which had commenced. It is proved on record that revision in the tuition fee was in pursuance to the directions issued by the Hon''ble High Court of HP. It is proved on record that the students were notified that in the event of tuition fee being revised by the Committee the Institutions would be entitled to recover the same. It is held that tuition fee was increased keeping in view the provisions of NCTE Act, HP University Act/Ordinances/Statute and keeping in view the ruling given by Division Bench of the Hon''ble High Court of HP and keeping in view the ruling given by the apex Court cited supra. It is held that increase in the tuition fee was neither arbitrary nor unreasonable in the present case. As such it is held that CWP Nos. 4366, 9500 and 9501 of 2013 are devoid of any force and the same are dismissed. Parties are left to bear their own costs. All miscellaneous application(s) are also disposed of.