

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CM-1747-LPA-2020 and  
LPA-646-2020 (O&M)**

**103**

**Ashish Kumar Garg and others**

**v.**

**State of Haryana and others**

Present: Ms. Ruchi Gupta, Advocate for the appellants.

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Case has been heard through Video Conferencing on account of COVID-19 Pandemic.

Challenge is to the order dated 27.7.2020 passed by the learned Single Judge wherein directions have been given in relation to charging fee etc. from the students in COVID-19 situation. It has been primarily contended by learned counsel for the appellants that learned Single Judge has placed reliance on judgment in **Independent School Association Chandigarh (Regd.) and others v. State of Punjab and others, CWP-7409-2020** decided on 30.6.2020. According to learned counsel, said order was passed under the Punjab Regulation of Fee of Unaided Educational Institutions Act, 2016. Haryana School Education Act, 1995 has been completely ignored while delivering the said judgment. It has further been contended that the students are being charged transport charges though the classes are being conducted online only. Besides, annual fee of ₹ 34,000/- which is meant for maintenance of the building is also being charged though the building is not in use for the last almost seven months.

Notice of motion for 1.10.2020.

Notice re: condonation of delay in filing the appeal.

Meanwhile, in view of the fact that the students are not going to school, the transport fee may not be charged. Besides, annual charges meant for maintenance of the school building to the extent of 50% shall remain stayed so that school authorities are able to maintain the same.

**(RAJAN GUPTA)  
JUDGE**

**September 24, 2020**  
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**(KARAMJIT SINGH)  
JUDGE**