

Office of the Chairperson
Committee for Fixation & Regulation of Fee of Private
Schools, J&K (FFRC)

Subject: - Fixation, Determination and Regulation of Fee of Private Schools in UT of J&K.

Order No: 64 FFRC of 2021

Dated: 14.09.2021

Whereas the Committee for Fixation and Regulation of Fee of private Schools vide Order No.35 FFRC of 2021 dated 19-01-2021 directed all Private Schools of UT of J&K to Submit information as per the proforma available on Committees website www.jkffc.in for approval of fee structure, within 30 days.

Whereas the Committee received representations from Private School Associations and individual private Schools for granting extension in time period for submission of information citing reason that the schools are re-opening after a long spell of closure due to Covid-19 and the School managements are busy in preparations for opening of schools and having in place the SOPS.

Whereas the matter was examined and taking all aspects into consideration, the date for submission of files was extended up to 22nd March 2021 vide order No 46 FFRC of 2021 dated 22-02-2021.

Whereas the Private School Associations and individual schools again approached to this Committee with the request for extension of date of submission of files by a reasonable time, keeping in view the busy schedule of School managements viz: conducting of examinations etc.

The Matter was placed before the Committee in its meeting dated 18-03-2021. After consideration; the Committee authorized the Chairperson to take a decision about these representations.



Whereas the time period for submission of files by private schools was extended up to 10th of May 2021.

Whereas, the individual schools and Private school Associations again approached the Committee for extension in date of submission of files for fixation and Regulation of fee, citing the reason of lockdown in view of huge surge in covid-19 positive cases in UT Of J&K.

Whereas the matter was examined and the date of submission of files for Fixation and Regulation of Fee of Private Schools was extended upto 30th June 2021.

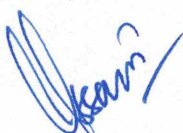
Whereas, the individual schools and Private school Associations again approached the Committee for extension in date of submission of files for fixation and Regulation of fee.

Whereas the matter was considered and the date for submission of files was extended up to 31st July 2021 as final opportunity.

Whereas the individual schools and private school associations again made requests in writing as well as verbally for extension of date for submission of files citing closure of schools and non availability of staff for preparing documents desired as per the proforma prescribed by the Committee.

Whereas the Matter was placed before the Committee in its meeting dated 13-09-2021. The Committee took note of Judgments of Hon'ble the Supreme Court and Hon'ble High Court of UT of J & K and Ladak besides draft rules vetted by Department of Law, Justice and Parliamentary Affairs and adopted by the Committee in its meeting dated 18-03-2021.

The Para 213 of Judgment of Hon'ble the supreme Court in case titled Islamic Academy of Education And...vs. state of Karnataka And others which says “ *each educational institute must place before the Committee, well in advance of the academic year, its proposed fee structure. Along with the proposed fee structure all relevant documents and books of accounts must also be produced before the committee for their scrutiny .The Committee Shall then decide whether the fee*



proposed by that institute are justified and are not profiteering or charging capitation fee. The committee will be at liberty to approve the fee structure or to propose some other fee which can be charged by the institute. The fee fixed by the Committee shall be binding for a period of three years, at the end of which period the institute would be at liberty to apply for revision. Once the fees are fixed by the committee, the institute cannot charge either directly or indirectly any other amount over and above the amount fixed as fees. If any other amount is charged, under any other head or guise e.g. donations the same would amount to charging of capitation fee. The government/appropriate authorities should consider framing appropriate regulations, if not already framed. Hereunder if it is found that an institution is charging capitation fees or profiteering that institution can be appropriately penalized and also face the prospect of losing its recognition/affiliation”.

The Hon’ble High Court of UT of J & K and Ladakh in its judgment dated 01-06-2015 in PIL no. 12/2014 ordered that “ The management of the un-aided private schools are granted liberty to approach the said Committee for fixation of fee structure of each standard and till new fee structure is fixed by the Committee, the management shall collect all types of fee as in August,2014”.

Para 19 of Hon’ble the Supreme Court judgment dated May 3, 2021, in case titled Indian School, Jodhpur & ANR. vs State of Rajasthan & ORS. in Civil Appeal No. 1724 of 2021 Which says “ after the Jurisprudential exposition, it is not open to argue that the Government cannot provide for external regulatory mechanism for determination of school fees or to say fixation of “just “and “permissible” school fees at the initial stage itself.”

“The Committee also took note of the Rule 5(c) and Rule 6(a) of draft rules vetted by the department of Law, justice and parliamentary affairs and adopted by the Committee in its meeting dated 18-03-2021”.

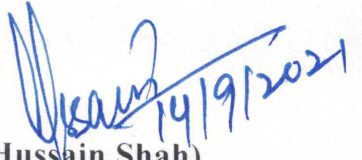
After consideration; the Committee authorized the Chairperson to take a decision about these representations/applications in light of the judgments and rules supra.



Whereas the Hon'ble chairperson accordingly considered the matter, and approved the request of stake holders for the extension of time for submission of files as last and final opportunity.

Now therefore, the time period for submission of files by private schools is extended up to 30th of September 2021. All the Private Schools of UT of J&K who have not submitted files are directed to submit the files by or before 30-09-2021 failing which appropriate orders in accordance with law will be passed.

By Order


(Nazir ul Hussain Shah)
Administrative Officer
(FFRC)

NO. Edu/FFRC-Adm/30/2021

Dated: - 14 /09/2021

Copy to:-

1. Director School Education Kashmir/Jammu for information.
2. Jt. Director Information Kashmir/Jammu with the request to publish the same in leading dailies of Kashmir and Jammu preferably Greater Kashmir, Rising Kashmir, Daily Excelsior, State Times, Amar Ujala, Tameel-e-Irshad, Daily Aftab, Mountain Valley Kashmir, Kashmir Horizon, Nigran and Rangyul for wider publicity.
3. Sr. Pvt. Secretary to Hon'ble Chairperson for Information of the Hon'ble Chairperson.
4. Pvt. Secretary to Principal Secretary to Government School Education department for information.
5. I/C Website for uploading the same on official website.
6. Office Copy.