

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

Subject:- Complaint against Burn Hall School, Srinagar.

1. Mr. K. U. Zaman (Complainant)
2. Principal, Burn Hall School, Srinagar. (Respondent)

Order No: 12 FFRC of 2022

Dated: 31 .10.2022

The complainant has yet again sent mail on 27th of October' 2022, in which he has again reiterated his grievances which was projected earlier about the over-charging of Transport Fee by the respondent school. The complaint file was put up by office, perusal whereof show that an order was passed on 20th of September' 2022, which is taken note of:

"In the compliant dated 09-09-2022 the complainant has stated that respondent school was charging Rs. 1700 as bus fee/transport fee, which was being charged in 2019 and instead of making hike of 12% on that amount as ordered by FFRC vide order no 01 FFRC of 2022 dated 09-03-2022, is charging and collecting Rs 2860 PM, which is an increase of 68%.

The principal on 12/09/2022 was asked to file his response within two days and complaint was directed to be taken up on 15-09-2022.

On September 14 the Principal sought seven days time to file response. In view of his request 05 days time was extended for filing response.



The principal in his reply mailed on 19-09-2022 has denied the allegations being totally baseless and fabricated. The principal, however, has not specifically denied the allegation that on the bus fee of 2019, 68% increase has been made. The complaint about the violation of FFRC order supra is prima facie found to be correct and school management/Principal is found to be guilty of violating FFRC order, more so on the basis of copy of receipt mailed to FFRC by complainant.

In view of mandate contained in Rule 12d of Jammu and Kashmir Private Schools (Fixation, determination and Regulation of Fee) rules 2022 Principal to implement the order 01 FFRC of 2022 dated 09-03-2022 and refund the excess fee charged and collected from student/complainant within thirty days from today in terms of mandate contained in Rule 12e. of Rules of 2022 and submit compliance report thereof.

Be taken up on 20-10-2022 for further proceedings.

Sd/-

Justice Muzaffar Hussain Attar
(Former Judge)

Chairperson

Committee for Fixation & Regulation
of Fee of Private Schools J&K (FFRC)

No. FFRC/comp/2022/Sgr/3607

Dated: 20/09/2022

Copy to the :

1. Principal, Burn Hall School Srinagar for information and compliance.
1. Complainant for information.
2. Office record."

The complaint file further shows that respondent school had challenged in WP (C) No.2154/2022, CM No.5432/2022, in case titled *Burn Hall School Hr. Secondary School Petitioner(s)/Appellants Vs. Union of India and Ors. Respondent(s)*, the order No.01 – FFRC of 2022 dated 09.03.2022, where-under, as a temporary measure, 12% increase in Transport Fee was allowed on the terms and conditions contained in the said order, and order dated 20th of September' 2022,



where-under, respondent school was directed to refund the excess fee charged and collected from the student within 30 days from the date of issuance of the said order.

Hon'ble the High Court after hearing learned Counsel parties has been pleased to decide the writ petition by its order dated 13th of October' 2022. Para – 7 of the order is taken note of:

"7. In the above background, we dispose of this writ petition on similar lines by granting liberty to the petitioner school to approach the Fee Fixation Committee for seeking final decision in the matter, which Committee shall provide an opportunity of being heard to the petitioner school before finalizing the decision. We hope and trust that the Fee Fixation Committee will not insist for the recovery unless the final decision is taken. It is made clear that the petitioner school shall not issue any notice for recovery of any charges from the students till the matter is decided by the Fee Fixation Committee."

To keep the record straight, it needs to be mentioned that Hon'ble the High Court has been pleased to dispose of WP (C) No.555/2022 and WP (C) No.531/2022, by its decision dated 28th of March' 2022 and 21st of May' 2022 respectively. Hon'ble the High Court has been pleased to direct the FFRC to consider the matter finally and take final decision thereon most expeditiously after affording an opportunity of being heard to the Petitioner-Association. In both these writ petitions, order No.01 – FFRC of 2022 dated 09.03.2022, was called in question.

In pursuance to aforesaid order of Hon'ble the High Court, the FFRC passed order No.09 – FFRC of 2022 dated 06.10.2022. The operative part of the said order is taken note of:

"The FFRC after considering all the relevant aspects and after giving thoughtful consideration to the representations made and material



provided by the stakeholders and in tune with statutory prescriptions has resolved that it would be appropriate to allow hike in Transport / Bus Fee in all the schools in the following manner:

- a. The schools in the winter zone shall be entitled to hike of **14%** in the Transport / Bus Fee, which the schools in the winter zone were charging and collecting in the month of October' 2019.*
- b. The schools in the summer zone shall be entitled to hike of **14%** in the Transport / Bus Fee, which the schools in the summer zone were charging and collecting in the month of February' 2020.*
- c. The afore-stated Transport / Bus Fee hike shall be applicable from March' 2022 in both the zones viz; Winter Zone and Summer Zone, when the schools resumed physical class-work after lock-down.*
- d. The schools whose Transport / Bus Fee by the afore-stated hike crosses **Rs.2,000/-** shall be entitled to charge and collect only **Rs.2,000/-** and the aforementioned hike shall restrict the upper limit of Transport / Bus Fee hike to **Rs.2,000/-**.*
- e. All the schools shall faithfully and honestly follow the decision of the FFRC and implement the same in letter and spirit.*
- f. Any school management who in the peculiar circumstances of the school needs Transport / Bus Fee beyond **Rs.2,000/-**, shall have to submit its proposal to FFRC alongwith relevant documents with proper justification, to enable it to take a decision thereon in accordance with law.*
- g. In case of the complaint against any school in observing the FFRC order in breach, immediate action in accordance with Jammu and Kashmir School Education Act' 2002 and Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules' 2022 notified vide S.O. 233 dated 10.05.2022, will be initiated which will include taking penal action against such schools."*



It prima facie appears that the factum of passing of the final order dated 06.10.2022 was not brought to the notice of Hon'ble the High Court, on the date the matter was heard. The order dated 06.10.2022, was uploaded on FFRC website on same date and it was reported both in print and electronic media. In these circumstances, the writ petitioner school would have been in know of the order dated 06.10.2022, but factum of issuance of the said order was not brought to the notice of Hon'ble the High Court for the reasons best known to the writ petitioner school.

On the face of the record, the writ petition of the petitioner to the extent of challenge to order No.01 – FFRC of 2022 dated 09.03.2022, had turned infructuous by virtue of order No.09 – FFRC of 2022 dated 06.10.2022.

The complaint filed by the complainant requires to be brought to its logical conclusion in accordance with the law occupying the field. However, with utmost respect to Hon'ble the High Court order, and before proceeding further, as directed, the petitioner school is to be provided opportunity of being heard. It is further provided, that in deference to the observations of Hon'ble the High Court passed in order dated 13th of October' 2022, till such time the petitioner is heard and the final orders passed, the FFRC will not insist on the recovery of excess fee.

Hon'ble the High Court in the aforesaid order has directed the petitioner school **not to issue any notice for recovery of any charges from the students till the matter is decided by the FFRC.**



In order to carry forward the mandate of Hon'ble the High Court, the petitioner school through its authorized representative shall report in FFRC office, Hyderpora, Srinagar, on 9th of November' 2022 at 11:30 a.m.

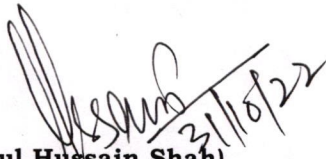
The complainant shall also report in the FFRC office on the aforesaid date and time. **In the meanwhile, in view of the mandate contained in order dated 13th of October' 2022, the school shall not issue any notice for recovery of any charges from the students till the matter is decided by FFRC.**

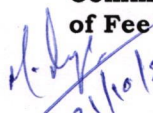
Sd/-
Justice Muzaffar Hussain Attar
(Former Judge)
Chairperson
Committee for Fixation & Regulation
of Fee of Private Schools J&K (FFRC)

No: FFRC/ Sgt/3631-40/2022
Copy to the:

Dated: 31 /10/2022

1. Principal, Burn Hall School, Srinagar, for information and compliance.
2. Mr. K. U. Zaman, Complainant, for information and compliance.
3. President, Private Schools Association Jammu and Kashmir (PSAJK), for information.
4. President, J&K Private Schools Association, Jammu (JKPSA), for information.
5. President, J&K Private Schools Coordination Committee (JKPSCC), for information.
6. President, Parents Association of Private Schools Kashmir (PAPSK), for information.
7. President, Parents Association of Privately Administered Schools (PAPAS), for information.
8. P. A. to Hon'ble Chairperson, FFRC for information of the Hon'ble Chairperson.
9. I/C Website for uploading the same on official website.
10. Office copy/file.


(Nazir ul Hussain Shah)
Administrative Officer
Committee for Fixation & Regulation
of Fee of Private Schools J&K (FFRC)


31/10/22