

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

**Order No: 09- FFRC of 2022**

**Dated: 06 -10.2022**

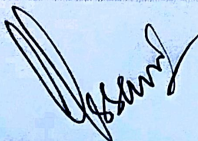
Fee Fixation and Regulation Committee of Union Territory of Jammu and Kashmir has been constituted in terms of Section – 20 A of the Jammu and Kashmir School Education Act' 2002.

Section – 20 E (1) mandates that private schools shall not charge any fee from the students or guardians, except Tuition Fee, Annual Fee, **Transport Fee** and Voluntary Special Purpose Fee such as Picnic, Tour and Excursions etc., and any other fee as approved by Committee for Fixation and Regulation of Fee of Private Schools (FFRC) after following the prescribed procedure.

The purpose of constitution of FFRC in terms of Section – 20 A is to regulate and determine the fee of the private schools in the Union Territory, with the avowed and solemn purpose of ensuring that school managements do not indulge in commercialization of education and profiteering. Section – 20 E (1) delineates different types of fee which include **Transport / Bus Fee** as well.

The FFRC in its meeting dated 9<sup>th</sup> of March' 2022, while considering all the aspects in accordance with statutory prescriptions, resolved as under:

***“that as a temporary measure and till such time final decision is taken and final orders issued, the school managements shall make 12% hike on transport fee which was being paid by the students availing transport facility, in Oct – 2019 in winter zone and Feb – 2020 in summer***



**zone. It was also resolved that no private school shall seek any undertaking from parents/students for advance Tuition Fee and Transport Fee, the practice being illegal and shall not be allowed.”**

The decision of FFRC was notified to all concerned vide Order No.01 – FFRC of 2022 dated 09.03.2022.

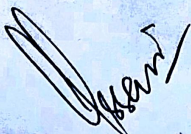
The Private Schools Association Jammu and Kashmir challenged the aforesaid order in WP (C) No.555/2022 CM No.1382/2022 before the Hon’ble High Court of Jammu & Kashmir and Ladakh, in case titled Private Schools Association Jammu and Kashmir Vs Union Territory of JK & Ors.

In the writ petition, Order No.01 – FFRC of 2022 dated 09.03.2022 and order bearing endorsement No. DSEK/GS/54/Misc/2022/2582 dated 14.03.2022, were called in question and prayer was made for their quashment. The writ petitioner “Private Schools Association Jammu and Kashmir” in writ petition is stated to be a society registered under Societies’ Registration Act. The orders were challenged on number of grounds which are enumerated in the writ petition.

However, instead of seeking quashment of the orders impugned in the writ petition, the learned counsel for the writ petitioners sought disposal of the writ petition with direction to FFRC to determine the transport charges after hearing the Petitioner Association.

The Hon’ble High Court at the request of learned counsel for the petitioners, and after bringing on record stand of respondents was pleased to dispose of the writ petition vide order dated 28.03.2022, by observing as under:

*“Impugned in this Petition, filed under 226 of the Constitution of India, is the Order bearing No.01-FFRC of 2022 dated 9<sup>th</sup> of March, 2022 issued by the Committee for Fixation*

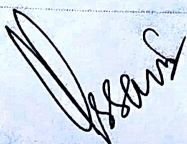


and Regulation of Fee of Private Schools in the Union Territory of J&K – Respondent No.3 (hereinafter referred to as ‘the Committee’); as well as Order No.DSEK/GS/54/Misc/2022/2582 dated 14<sup>th</sup> of March, 2022 issued by the Director, School Education, Kashmir – Respondent No.2. Simultaneously, the Petitioner-Association also seeking a direction in the name of the Committee to determine the ‘Transport Charges’ as per actual rates after hearing the Petitioner-Association.

The aforesaid impugned orders are challenged by the Petitioner-Association, primarily, on the ground that the Committee, while hiking the ‘Transport Charges’ by a meagre 12%, none of the member Schools of the Petitioner-Association were heard. It is contended that there was no credible material before the Committee to arrive at the conclusion that only 12% hike needs to be allowed in the ‘Transport Charges’ and that, had the Petitioner-Association been granted an opportunity, sufficient material would have been placed before the Committee so as to adequately increase the hike in the ‘Transport Charges’ on the basis of all relevant factors like the National Index, increase in fuel charges, increase in Insurance, Tax, etcetera, etcetera.

When this Petition came up for consideration before the Court on the very motion hearing, viz; 25<sup>th</sup> of March, 2022, Mr. Z. A. Shah, the learned Senior Counsel appearing on behalf of the Petitioner-Association, had submitted that the Petitioner-Association shall feel satisfied in the event the instant Petition is disposed of with a direction to the Committee to take final decision in the matter after hearing all members of the Petitioner-Association on the subject and pass appropriate orders thereon within some reasonable timeframe. Having regard to the said submission made by the learned Senior Counsel, the Court thought it just and proper to ask the learned Additional Advocate General representing the Respondents to get instructions in the matter on the next date of hearing with regard to the aforesaid proposition made by the learned Senior Counsel.

Today, when this matter came up for consideration, Ms Asifa Padroo, the learned Additional Advocate General, on instruction, informed the Court that the Administrative Officer of the Committee has taken up the matter with the Additional Secretary to the Government of the Union Territory of Jammu



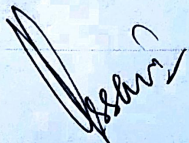
and Kashmir, School Education Department, thereby apprising him about the Order impugned being temporary in nature. The learned Additional Advocate General further submitted that the Administrative Officer has also apprised the Additional Secretary to the Government that the Committee will pass the final order in the matter after hearing all stakeholders, including the Petitioner-Association.

The afore being the position, we dispose of this Petition with a direction to the Committee to consider the matter finally and take final decision thereon most expeditiously after affording an opportunity of being heard to the Petitioner-Association.

Writ Petition **disposed** of as above, along with the connected.”

Yet another writ petition WP (C) No.531/2022 was filed by J&K Unaided Private Schools Coordination Committee challenging the Order No.01 – FFRC of 2022 dated 09.03.2022. A photocopy of the order passed by Hon’ble the High Court on 27.04.2022 was delivered at the FFRC Office, Srinagar at about 01:00 p.m., when the Chairperson was giving hearing to the following persons:

1. Mr. G. N. Var, President, Private Schools Association J&K, Kashmir.
2. Mr. Khurshid Mahajan, Member, Private Schools Association J&K, Kashmir.
3. Mr. Rameshwar Singh Manhas, President, Private Schools Coordination Committee (JKPSCC), Jammu.
4. Mr. Balkaran Singh, Member, JKPSCC.
5. Mrs. Asma Goni, President, PAPAS.
6. Mr. Javid Ahmad Baig, Member, PAPAS.
7. Mr. Shakeel Ahmad, President, Budget Schools Association, Kashmir.
8. Mr. Tariq Ahmad, Vice-President, Budget Schools Association, Kashmir.



9. Mr. Mohd. Suhail Dar, Spokesperson, Parents Association, Kashmir.

10. Mr. Athar Chisti, Member, Parents Association, Kashmir.

Order of Hon'ble the High Court dated 27.04.2022, passed in CM No.2148/2022 ( WP (C) No.531/2022), is taken note of:

*"No case for preponement of the date fixed in the matter is made out, therefore, the application is **dismissed**. The matter shall be considered on the appointed date viz; 21<sup>st</sup> May, 2022.*

*Learned counsel for the applicants/ petitioners submits that the FFRC meeting is scheduled for today and in case the plea of the applicants/ petitioners is not entertained the lis will become infructuous. We make it clear that pendency of the writ petition shall not come in the way of the petitioners to approach the FFRC to project and settle their grievances and in the event any such request is made, the same be entertained by the FFRC.*

*In view of urgency expressed, let a copy of the order be furnished to the learned counsel for the applicants/ petitioners under the seal and signatures of Bench Secretary, today itself."*

The President of J&K Unaided Private Schools Coordination Committee was telephonically informed to report in the FFRC office so that hearing can be afforded to his Association also. However, no person from the said Association reported in FFRC office on that date. In pursuance to Hon'ble the High Court order and at the convenience of the petitioners, hearing was given to them on 6<sup>th</sup> of May' 2022. Following office bearers of the Association were present in the meeting:

1. Mr. C. L. Vishen, President, Jammu and Kashmir Unaided Private Schools Coordination Committee.
2. Mr. Showkat Chowdhary, Member, Jammu and Kashmir Unaided Private Schools Coordination Committee.
3. Mr. Sajad Qureshi, Member, Jammu and Kashmir Unaided Private Schools Coordination Committee.

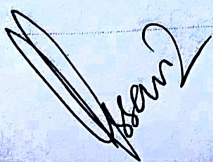
A detailed note of what transpired in the meeting held on 27.04.2022 was prepared. The President Private Schools Association of Jammu and Kashmir, as also, Members of Private Schools Association gave their suggestions in writing also which have been made part of the record.

On behalf of Jammu and Kashmir Unaided Private Schools Coordination Committee, Mr. Showket Chowdhary, Member of the said Committee, put-forth the viewpoint of his Committee and also submitted documents which also have been made part of the record of the meeting. The minutes of this meeting were also prepared and form part of the record.

Mr. Showket Chowdhary specifically raised one point viz; that FFRC has no mandate to fix Transport Fee as none of the Fee Fixation Committees have regulated the Transport Fee of the Schools till date. He also stated that neither the Government nor the Transport Department of Union Territory of Jammu and Kashmir have authority to fix this type of fee. He also stated that the matter reached FFRC in view of the steps taken by the other Private School Associations.

Besides giving hearing to aforementioned persons, the General Manager, SRTC on request of the FFRC also deputed an official to FFRC office, who also provided inputs to enable the FFRC to take holistic view of the issue and reach to a fair and reasonable conclusion for determining, fixing and regulating the Transport Fee/Bus Fee of the private schools.

While the matter was under consideration of FFRC, Government notified "The Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules, 2022" vide S.O. 233 dated 10.05.2022 (for short Rules of 2022).

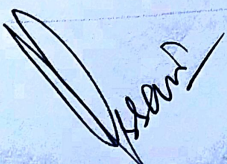


Uptill the notification of the afore-stated rules, the FFRC was conducting its business in accordance with the Draft Rules. After notification of the Rules of 2022, meeting was convened on 09.06.2022, in the office of the Chairperson, FFRC, in which all the Members viz; Sh. B. K. Singh, Principal Secretary to Government, School Education Department (Member Secretary, FFRC), Mr. Tassaduq Hussain Mir, Director School Education, Kashmir (Member, FFRC) and Smt. Manisha Sarin, Secretary BOSE (Member, FFRC), were present. After deliberations and discussions, it was resolved that in view of the notification of the Rules of 2022, yet one another opportunity of being heard be provided to the writ petitioners mention whereof is made hereinabove in this order. Accordingly, it was decided that the FFRC will hear all the stakeholders on 25.06.2022, in FFRC office, Hyderpora, Srinagar. The following organizations/persons were accordingly informed and requested to remain present in the meeting on the aforesaid date at 11:00 a.m.:

1. President, Private Schools' Association, J&K (PSAJK).
2. President, Private Schools' Association, Jammu.
3. President, Private Schools' Coordination Committee, Jammu.
4. President, Parents' Association Jammu/Kashmir.
5. President, Forum of Unaided Recognized Institutes (FOURI).
6. President, Budget Schools' Association.
7. President, J&K Unaided Private Schools Coordination Committee (JKUPSCC).

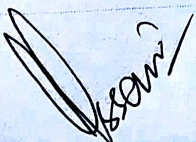
The meeting was held on scheduled date in which, besides the Chairperson, all the Members of the FFRC were present. From amongst the invitees, following were present:

1. Mr. G. N. Var, President, Private Schools Association J&K, Kashmir.
2. Mr. Khursheed Ahmad, President, Parents' Association.



3. Mr. Showkat Chowdhary, President, J&K Unaided Private Schools Coordination Committee (JKUPSCC).
4. Mr. Shakeel Ahmad, President, Budget Unaided Private Schools' Association, Kashmir (BUPSA).
5. Mr. Tariq Ahmad Wani, Vice-President, Budget Unaided Private Schools' Association, Kashmir (BUPSA).
6. Mr. Syed Mushtaq Ahmad, President, JKPSF.
7. Mr. Ali Mohammad, Vice-President, JKPSF.
8. Mr. Mohd. Suhail Dar, Spokesperson, Parents' Association of Private Schools, Kashmir (PAPSK).
9. Mr. Ajaz Ahmad Beigh, Member, Parents' Association of Privately Administered Schools (PAPAS).
10. Mr. Rahi Riyaz, General Secretary, Low Budget Private Schools' Association, Jammu and Kashmir.
11. Mr. Tariq Ahmad, President, Low Budget Private Schools' Association, Jammu and Kashmir.
12. Mr. Suhail, GL.
13. Mr. Ather, PAPAS.

Mr. Showket Chowdhary, representing the Jammu and Kashmir Unaided Private Schools Coordination Committee, produced photocopy of the order of Hon'ble the High Court dated 01.06.2022, passed in WP (C) No.1070/2022, in case titled New Convent High School & Ors Vs Union of India & Ors., vide which the effect and operation of the order dated 09.03.2022 has been ordered to remain in abeyance. A copy of this order was already sent by the Parents' Association to FFRC. Mr. Chowdhary, also gave further suggestions in writing for fixing, determining and regulating the Transport/Bus Fee. Mr. G. N. Var, President, Private Schools Association J&K, Kashmir, in the meeting stated that he on behalf of his Association has already given in writing his suggestions for fixing, determining and regulating the Transport/Bus Fee.





The representatives of Low Budget Private Schools' Association, also provided suggestions in writing.

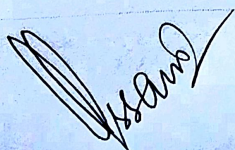
The President, Parents' Association and other representatives stated that they have provided the necessary material for fixing, determining and regulating the Transport/Bus Fee, in the earlier meeting. The issue of fixing, determining and regulating the Transport/Bus Fee, was discussed with the above-mentioned stakeholders, minutes about which have been prepared and form part of the record.

The oral submissions made, the record of the meetings and documents submitted by various stakeholders were perused and considered by us.

The plea of Mr. Showket Chowdhary that FFRC has no power to fix Transport Fee falls flat in the face of the mandate contained in Section - 20 A read with Section - 20 E (1), which besides Tuition Fee, Annual Fee and other types of fee also refers to Transport Fee. The contention that Fee Fixation Committees of other States do not regulate Transport Fee pales into insignificance and is rendered inconsequential in view of the aforesaid statutory prescription.

The Parents' Association has sent copy of the order dated **1<sup>st</sup> of June' 2022**, passed in WP (C) No.1070/2022, in case titled New Convent High School & Ors Vs Union of India & Ors. As already stated photostat copy of same order was also submitted by Mr. Chowdhary, on **25.06.2022**.

The Hon'ble High Court vide the aforesaid order has been pleased at Para - 7 to direct "**until further orders, the effect and operation of the impugned order dated 09.03.2022 shall remain in abeyance**", whereas on **28.03.2022** another Division Bench of Hon'ble the High Court of Jammu & Kashmir and Ladakh, had already disposed of the writ petition, in which, also, the order dated



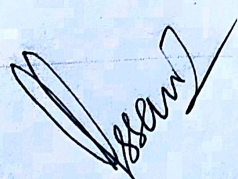
**09.03.2022** was called in question, a factual narration whereof is given herein above.

Since the earlier writ petition **WP (C) No.555/2022** challenging the aforesaid order was filed by the Private Schools Association Jammu and Kashmir, the office was asked to seek information from the President of the said Association, whether the writ petitioners in **WP (C) No.1070/2022** are Members of the aforesaid Association, whose writ petition **WP (C) No.555/2022** challenging the aforesaid order stands disposed of by Hon'ble The High Court vide order dated **28.03.2022**.

The Private Schools Association Jammu and Kashmir, via e-mail sent list of schools of District Srinagar and provided information about Members of the said Association. The list and further information provided by President, Private Schools Association Jammu and Kashmir, through e-mail shows that excepting for Petitioner No.5, all other petitioners in **WP (C) No.1070/2022** are Members of the Private Schools Association Jammu and Kashmir, which, as already stated, had filed writ petition **WP (C) No.555/2022**, in which Order No.01 – FFRC of 2022 dated 09.03.2022, was challenged, and which petition stands disposed of by the order dated **28.03.2022**.

This being the factual position, the earlier writ petition challenging the Order No.01 – FFRC of 2022 dated 09.03.2022, which stands disposed of vide order dated **28.03.2022**, has as such been filed for and on behalf of the above-said petitioners of **WP (C) No.1070/2022**, as well.

It thus, prima facie, becomes clear that the aforesaid petitioners have wilfully and deliberately misled Hon'ble the High Court and practised fraud upon it by filling **WP (C) No.1070/2022** to secure illegal benefit to the detriment of legal interests of huge section of



students' community for whose legal rights, FFRC acts as the Statutory Protector.

Prima facie, it appears from the aforesaid narration of facts that the writ petitioners in **WP (C) No.1070/2022**, excepting for Petitioner No.5, have suppressed the factum of having challenged the Order No.01 – FFRC of 2022 dated 09.03.2022 in the earlier writ petition **WP (C) No.555/2022**. Suppression of material facts from the Hon'ble Court is sufficient in law to initiate action against these persons.

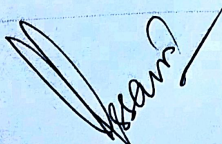
Yet another, prima facie, glaring mischief is revealed for the following reasons:

After the meeting dated **25.06.2022**, office of the FFRC has learnt about the order dated **21<sup>st</sup> of May' 2022**, passed by Hon'ble the High Court of Jammu & Kashmir and Ladakh, in **WP (C) No.531/2022, CM No.1329/2022**. Order of Hon'ble the High Court is taken note of:

*“On examination of the matter, we have noticed that the impugned order is based on the resolution of the Committee for Fixation and Regulation of Fee of Private Schools (FFRC) dated 9<sup>th</sup> March 2022. The resolution being relevant for disposal of this petition is extracted as under:*

*“that as a temporary measure and till such time final decision is taken and Final orders issued, the school managements shall made 12% hike on transportation fee which was being paid by the students availing transport facility, in Oct-2019 in winter zone and Feb-2020 in summer zone. It was also resolved that no private school shall seek any undertaking from parents/students for advance Tuition fee and Transport fee, the practice being illegal and shall not be allowed.”*

*The arrangement is a temporary measure and till such time final decision is taken and final order is issued by the Committee. We feel that the impugned order being temporary in nature and dependent upon the final orders, does not call for any interference at this state, as the claim of the petitioners can be considered by the Committee when final decision is taken. Needless to mention that similar petitions challenging the order*

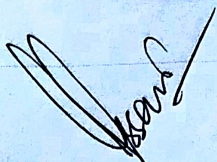


*impugned stand already disposed of with direction to the Committee to pass final orders after hearing the stakeholders including the petitioners in those petitions, with reasonable dispatch.*

*In the above background, this writ petition is disposed of with liberty to the petitioners to approach the Committee, which Committee shall provide opportunity of being heard to the petitioners before passing final orders in terms of the applicable law and the rules. We hope that the Committee will expedite the final decision in the matter.*

*Writ petition along with connected CM(s) **disposed** of as above.”*

Mr. Showkat Chowdhary, who earlier was the Member of the Writ Petitioner Association viz; Jammu and Kashmir Unaided Private Schools Coordination Committee, it is stated, that on **25.06.2022** when he represented the said Association, he was already elected as President of the said Association. Mr. Showkat Chowdhary, on that date, produced copy of the court order passed in **WP (C) No.1070/2022**, in which he was not a writ petitioner, but did not provide the copy of the order dated **21<sup>st</sup> of May’ 2022**, passed by Hon’ble the High Court in **WP (C) No.531/2022**, titled *J&K Unaided Private Schools Coordination Committee Vs Union Territory of JK & Ors.*, of which he was earlier a Member and represented the said Committee before FFRC on 6<sup>th</sup> of May’ 2022, as also, on 25<sup>th</sup> of June’ 2022, on which date he was acting as President. Prima facie, Mr. Showkat Chowdhary, with-held and suppressed the order dated **21.05.2022**, from FFRC and in a clandestine manner produced copy of the order passed in **WP (C) No.1070/2022**, in which the operation of the Order No.01 – FFRC of 2022 dated 09.03.2022, has been stayed by Hon’ble the High Court. Prima facie, the conduct of J & K Unaided Private Schools Coordination Committee and its representative has not been fair and honest and an abortive attempt has been made to hoodwink FFRC.



The President, J & K Unaided Private Schools Coordination Committee, Srinagar, vide series of e-mails dated 28<sup>th</sup> of June' 2022, 29<sup>th</sup> of June' 2022 and 1<sup>st</sup> of July' 2022, was asked to provide list of those schools which are associated with the said Association. These e-mails, however, did not evoke any response. The J & K Unaided Private Schools Coordination Committee, prima facie, appears has deliberately with-held this information from FFRC to hide some mischief.

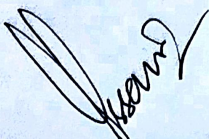
Hon'ble the Supreme Court in Appeal (Civil) 5097 – 5099 of 2004, in case titled A. V. Papayya Sastry & Ors (Petitioner) Vs Government of A.P. & Ors (Respondent), decided on 7<sup>th</sup> of March' 2007, while dealing with issue of fraud, has observed and ruled as under:

*“Now, it is well settled principle of law that if any judgment or order is obtained by fraud, it cannot be said to be a judgment or order in law. Before three centuries, Chief Justice Edward Coke proclaimed; “Fraud avoids all judicial acts, ecclesiastical or temporal”.*

*It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order by the first Court or by the final Court has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings. In the leading case of Lazarus Estates Ltd. v. Beasley, (1956) 1 All ER 341 : (1956) 1 QB 702 : (1956) 2 WLR 502, Lord Denning observed:*

*“No judgment of a court, no order of a Minister, can be allowed to stand, if it has been obtained by fraud.*

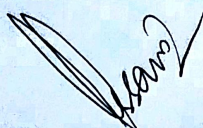
*In Duchess of Kingstone, Smith's Leading Cases, 13<sup>th</sup> Edn., p.644, explaining the nature of fraud, de Grey, C.J. stated that though a judgment would be res judicata and not impeachable from within, it might be impeachable from without. In other words, though it is not permissible to show that the court was 'mistaken', it might be shown that it was 'misled'. There is an essential distinction between mistake and trickery. The clear implication of the distinction is that an action to set aside a*



judgment cannot be brought on the ground that it has been decided wrongly, namely, that on the merits, the decision was one which should not have been rendered, but it can be set aside, if the court was imposed upon or tricked into giving the judgment. It has been said; *Fraud and justice never dwell together (fraus et jus nunquam cohabitant); or fraud and deceit ought to benefit none (fraus et dolus nemini patrocinari debent).*

Fraud may be defined as an act of deliberate deception with the design of securing some unfair or undeserved benefit by taking undue advantage of another. In fraud one gains at the loss of another. Even most solemn proceedings stand vitiated if they are actuated by fraud. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam. The principle of 'finality of litigation' cannot be stretched to the extent of an absurdity that it can be utilized as an engine of oppression by dishonest and fraudulent litigants.

In *S.P. Chengalvaraya Naidu (dead) by LRs. V. Jagannath (dead) by LRs. & Ors. (1994) 1 SCC 1 : JT 1994 (6) SC 331*, this Court had an occasion to consider the doctrine of fraud and the effect thereof on the judgment obtained by a party. In that case, one A by a registered deed, relinquished all his rights in the suit property in favour of C who sold the property to B. Without disclosing that fact, A filed a suit for possession against B and obtained preliminary decree. During the pendency of an application for final decree, B came to know about the fact of release deed by A in favour of C. He, therefore, contended that the decree was obtained by playing fraud on the court and was a nullity. The trial court upheld the contention and dismissed the application. The High Court, however, set aside the order of the trial court, observing that "there was no legal duty cast upon the plaintiff to come to court with a true case and prove it by true evidence". B approached this Court. Allowing the appeal, setting aside the judgment of the High Court and describing the observations of the High Court as 'wholly perverse', *Kuldip Singh, J.* stated: "The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean-hands. We are constrained to say that more often than not, process of the court is being abused. Property-grabbers, tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal-gains indefinitely. We have no hesitation to say that a person, who's case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation".



The issues raised in WP (C) No.1070/2022, are almost already dealt with and answered by Hon'ble the Supreme Court in its judgement dated May 3<sup>rd</sup> 2021, in case titled Indian School, Jodhpur & Anr. Vs State of Rajasthan and Ors, in Civil Appeal No.1724 of 2021 (arising out of SLP (C) No.27881 of 2019). Para – 19 of the said judgement is taken note of:

*“after this 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.”*

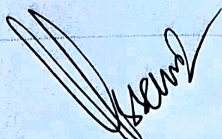
Rule – 17 of Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules' 2022 notified vide S.O. 233 dated 10.05.2022, is taken note of:

*“17. Repeal and Savings.-(1) With the enforcement of these rules, any rule or order which is inconsistent to the Act or these rules shall be deemed to have been repealed and superseded;*

***(2) Any order issue by the Government with regard to the Committee or order passed by the Committee or Chairperson pursuant to the draft rules shall be deemed to have been passed under the provisions of these rules.”***

The FFRC is duty bound to implement the final order dated 28.03.2022, passed by Hon'ble the High Court of Jammu & Kashmir and Ladakh, in WP (C) No.555/2022 and order dated 21.05.2022, passed in WP (C) No.531/2022. The FFRC in faithful compliance of the aforesaid orders has considered the matter.

In order to further arrive at fair, reasonable and just conclusion, the school managements were asked to provide details about Transport/Bus Fee, which was being charged in October' 2019 and



which is being charged from March' 2022, when the schools resumed physical work.

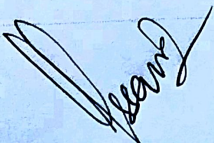
Some schools submitted via e-mail the details sought for, which has been made part of the record.

The issue has been considered from all the relevant stand points.

Besides taking other relevant parameters into consideration following things were also taken note of:

1. Drivers' salary.
2. Salary of Conductors and other person who render allied services.
3. Insurance.
4. Depreciation.
5. Fuel.
6. Maintenance.
7. Token.
8. Fitness.
9. Permit.
- 10.Speed Governor Renewal.
- 11.GPS device.
- 12.Permissible life of vehicle.
- 13.Scrap value of vehicle.
- 14.Total operational days in a month.

The information provided by various stakeholders shows a huge yawning gap between the Transport Fee charged in urban, rural and village areas. It has been brought to the notice of the FFRC that a school in rural area is charging Rs.600/- for distance of 0 – 4 kms, while another school is charging Rs.600/- for 0 – 8 kms, and yet another school is charging Rs.700/- for 0 – 7 kms. However, some





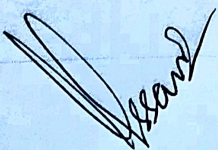
schools in urban areas are charging Transport/ Bus Fee up to Rs.2,000/- and in few cases above Rs.2,000/-. There is difference in the salary component of Drivers/Helpers of the schools located in urban and rural areas.

The statutory/standing charges and other allied expenses are almost same and similar in respect of similar types of vehicles across the spectrum.

Since majority of the items and expenses of Transport are same and similar in almost all the schools, thus, they constitute one class.

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.

Sd/-

**Smt. Manisha Sarin, KAS**  
**Secretary BOSE (Member, FFRC)**

Sd/-

**Mr. Tassaduq Hussain Mir, KAS**  
**Director School Education, Kashmir**  
**(Member, FFRC)**

Sd/-

**Mr. Alok Kumar, IRS**  
**Principal Secretary to Government**  
**School Education Department**  
**(Member Secretary, FFRC)**

Sd/-

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

No: FFRC/*Adm/01/22*  
Copy to the:

Dated: *06/10/2022*

1. Director School Education Jammu/Kashmir (Member, FFRC) for information and strict implementation of this order.
2. Secretary, J&K Board of School Education (Member, FFRC), for information.
3. Joint Director Information, Jammu with the request to publish the same in leading dailies of Jammu and Kashmir preferably Greater Kashmir, Mountain Valley Kashmir, Rising Kashmir, Kashmir Horizon, Daily Excelsior, Daily Nigraan, Daily Rangyul, State Times, Amar Ujala, Tameel e Irshad, Daily Aftab for wider publicity.
4. Private Secretary to Principal Secretary to Government, School Education Department (Member Secretary, FFRC), for information of the Principal Secretary.
5. P. A. to Hon'ble Chairperson, FFRC for information of the Hon'ble Chairperson.
6. I/C Website for uploading the same on official website.
7. Office copy/file.

*Nazir ul Hussain Shah*  
**(Nazir ul Hussain Shah)**  
**Administrative Officer**

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