

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

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

**Notice**

Whereas, the Committee for Fixation and Regulation of Fee of private Schools have and is issuing orders of fee fixation and Regulation of Fee of Private Schools from time to time.

Whereas, many private Schools have challenged the orders of Fee Fixation and Regulation in Hon'ble the High Court Of Jammu and Kashmir and Ladakh and have obtained stay orders.

Whereas, the complaints are pouring in on daily basis about unilateral hike in fee structure by private schools in the garb of stay orders.

Whereas, the Committee vide its order No. 07 FFRC of 2022 dated 09-09-2022, has inter-alia observed that "**Such type of schools shall have to request Hon'ble the High Court to decide their writ petitions or seek clarification from Hon'ble the High Court about the fee which in law they are entitled to charge and collect from students.**

**Keeping in abeyance of fee regulation orders of FFRC by Hon'ble the High Court, would not and shall not authorize school managements to fix fee structure at their sweet will and charge same from students, same being not permitted by Hon'ble the Supreme Court and the statutes occupying the field.**

**In these type of cases, Hon'ble the High Court has only kept in abeyance/stayed fee regulation orders and has not authorized school managements to fix fee of any type themselves".**

Whereas, such schools have so far failed to comply with the directions issued vide order dated 09-09-2022.

Whereas, The Hon'ble the Supreme Court in case titled Islamic Academy of Education And...Vs state of Karnataka And others on 14 August ,2003 in its Judgment at para 213 has held that "**each educational institute must place before this 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 fees 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 fee is 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.**"

This issue has already been dealt by the Hon'ble the Supreme Court in the case Modern School Vs Union of India reported 2004 SCC5 page 583, the relevant portion of the judgment is reproduced below ; -

***"The principles for fixing fee structure of particular institutions have, thus, been illustrated in T.M.A. Pai Foundation (supra) and Islamic Academy of Foundation (supra) but it must be borne in mind that those principles were laid down in absence of any statute operating in the field. Where, however, a statute operates in the field, regulation of education would be governed thereby. In this case, as the regulation of education is governed by a Legislative Act, the court cannot impose any other or further restrictions by travelling beyond the scope, object and purport thereof."***

The Supreme Court in its judgment in case titled Indian School Jodhpur and another vs. State of Rajasthan and others decided on May 3<sup>rd</sup> 2021 (civil appeal No.1724 of 2021) para 19 observed that ***"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 so to say fixation of 'just' and 'Permissible 'School fees at the initial stage itself."***

Whereas, the Government of Jammu & Kashmir notified the Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules, 2022 on 10th May 2022 vide S.O No 233.

Whereas, Rule 5(1) ( c) of Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules 2022, provides that ***"Require each Private school to place before the Committee the proposed fee structure of such school with all relevant documents and books of accounts for scrutiny within such date as may be specified by the Committee."***

Whereas, the rule 8 (a) of the Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules 2022, provides that ***"the private School shall submit a proposal to the Committee on the proforma as may be prescribed by the Committee. The proposal for fixation, determination and regulation of fee for next year shall be submitted three months before the next academic year starts"***.


Now therefore, All the schools annexed as annexure I to this notice and those schools not figuring in the list but have obtained stay orders against fee regulation orders of Committee are directed to get the necessary clarification from the Hon'ble High Court as observed vide order dated 09-09-2022 within 15 days from the issue of this notice, failing which the Committee will fix the fee of such schools and issue appropriate orders in order to curb the gross violation of statute by such schools.

**Sd/-**  
**Justice Sunil Hali**  
(Former Judge)  
Chairperson  
Committee for Fixation and Regulation of  
Fee of Private Schools



**Copy to:-**

1. Director School Education Kashmir/Jammu (Member FFRC) for information;
2. Secretary J&K Board of School Education (Member FFRC) for information;
3. Private Secretary to Principal Secretary to the Government School Education Department (Member Secretary FFRC) for information of the Principal Secretary;
4. Jt. Director Information Jammu/Kashmir 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.
5. P.A to Hon'ble Chairperson for Information of the Hon'ble Chairperson.
6. I/C Website for uploading the same on official website.
7. Office Copy.

  
**Administrative Officer**  
**(FFRC)**

**Annexure-I**

| <b>S.No</b> | <b>Title</b>  |
|-------------|---|
| 01          | Doon International School, Chowadhi.                    |
| 02          | Shubh International School Akhnoor                      |
| 03          | Spring Dales English School Changran, Kathua            |
| 04          | R S Golden HR Secondary School Kathua                   |
| 05          | Little Flower High School Hatli Morh Kathua.            |
| 06          | Angels Hr.Sec School Dayal Chak sallan.                 |
| 07          | S.R Memorial High school Chakra hiranagr                |
| 08          | Sir Abraham Lincoln Embark Garrison Sr. Sec. School     |
| 09          | Sri Ram Universal School Shri Vihar,Jakh vijaypur Samba |
| 10          | Minerva Public School N.H Barnoti Budhi Kathua          |
| 11          | Sacred HEART school Kathua                              |
| 12          | Rigveda Convent Hr. Sec. School Kathua                  |
| 13          | Vir Savarkar Hr.sec. School Basoli                      |
| 14          | Nav Jagrati Niketan Hr. Sec. School Kharote Morh Kathua |
| 15          | Himalyan Model Academy Udhampur                         |
| 16          | GD Goenka Public School Jammu                           |
| 17          | Heritage School Jammu                                   |
| 18          | Humanity Public School Bassi Kalan Bari Brahmana,Samba  |
| 19          | International Delhi Public School Sujwan Jammu.         |
| 20          | Delhi Modern Public School Pampore                      |
| 21          | New Convent School Gogjibagh Srinagar                   |
| 22          | Shah Rasool Memorial Welkin Hr. Sec. School Sopore      |
| 23          | Green Valley Educational Institute Ilahi Bagh Srinagar  |
| 24          | Kashmir Havard Educational Institute srinagar           |
| 25          | Delhi Public School Baramulla                           |
| 26          | Foundation World School mamath Budgam                   |
| 27          | Birla Open Minds International School Pampore           |
| 28          | Linton Hall Public School Rajbagh                       |
| 29          | Billawar Public School ,Billawar Kathua                 |
| 30          | Satya Model High School Billawar Kathua                 |
| 31          | Illahia Public School Surankote Poonch                  |
| 32          | Global Convent School Chani Rama Jammu                  |
| 33          | ST Francis Convent School Poonch                        |
| 34          | ST Francis Kids Word Mendhar Poonch                     |

