



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17209/2024

Bhartiya Vidya Bhavan Vidhyashram, K.M. Munshi Marg, Jaipur
In Front of OTS, Jaipur Through its Director Mr. Ramesh Chand Jain.

-----Petitioner

Versus

1. State of Rajasthan, Through Principal Secretary, School Education, Government of Rajasthan, Secretariat, Jaipur.
2. Joint Secretary, School Education Department, Government of Rajasthan, Secretariat, Jaipur.
3. Students Parents Association, BRN 8005220095000099, Having Its Registered Office At 27, Patrakar Colony, Shanti Path, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Prateek Kasliwal with Ms. Gauri Jasuja
For Respondent(s)	:	Mr. B.S.Chhaba-AAG with Mr. Shubhendu Pilonia Mr. Avinash Choudhary Mr. Hardik Singh Mr. Vinayam Ms. Mahi Choudhary Mr. Aniket Beniwal Mr. Sandeep Kumar

JUSTICE ANOOP KUMAR DHAND

Order

08/07/2025

1. By way of filing this writ petition, a challenge has been led to the impugned order dated 27.07.2024 passed by the Joint Secretary, School Education Department by which the petitioner has been restrained to increase the fee.
2. Counsel for the petitioner submits that an order was passed by the Divisional Fee Regulatory Committee (for short, 'the DFRC')



directing the petitioner to refund the excess fee taken from the students. Counsel submits that the aforesaid order was assailed by the petitioner by way of filing an appeal before the Revision Committee on 20.12.2023. Since there was no such Committee constituted by the Government, then under these circumstances, the petitioner approached this Court by way filing S.B. Civil Writ Petition No. 5677/2024. Counsel submits that the said petition was disposed of by this Court vide order dated 20.05.2024 on the submissions made by the State counsel that Review Committee is constituted and the same would be functional by 15.06.2024. Counsel submits that in view of the aforesaid statement made by the State counsel, the aforesaid petition was disposed of and the order dated 23.11.2023 passed by the Divisional Fee Regulatory Committee was stayed and a direction was issued to the Revision Committee to decide the revision petition within a period of three weeks from 15.06.2024. Counsel submits that interim protection granted to the petitioner vide order dated 01.05.2024 passed by this Court was made to continue till disposal of the interim relief application by the Review Committee or the revision itself. Counsel submits that no Review Committee has been constituted by the State and in the meantime, the Student Parent Association submitted a representation before the State, which conceals the above factual aspect of the matter and the Joint Secretary of the School Education Department without taking due care of the note of the above factual aspect of the matter, has passed the impugned order dated 27.07.2024 entertaining the representation submitted by the aforesaid Association, which is infact not even registered and the petitioner school has been restrained to recover





the increased fee from the students and was directed not to admonish them. Counsel submits that the aforesaid order has been passed by the State without having any power or authority, hence interference of this Court is warranted.

3. Per contra, counsel for the respondents -State as well as counsel appearing on behalf of the respondent No. 3 opposed the arguments raised by counsel for the petitioner and submitted that when no Review Committee was made functional and the petitioner school started bending upon to insist the students to pay the fee then under such circumstances, no option was left with the respondents to approach the State seeking appropriate order against the petitioner School. Counsel submits that in pursuance of the several orders passed by this Court, now, a Review Committee has been constituted by issuing a Gazette Notification dated 16.06.2025 and thereafter, the Review Committee has examined the validity of the order dated 23.11.2023 and has remanded the matter to the DFRC for its fresh adjudication. Counsel for the respondents State submits that the order dated 27.07.2024 was a stop gap arrangement for a particular period and the same was made effective till disposal of the matter by the Review Committee. Counsel submits that looking to the fact that the Review Committee has passed an order remanding the matter for its fresh adjudication by the DFRC, interference of this Court is not warranted to entertain the instant writ petition against the impugned order dated 27.07.2024 since the petition has become infructuous.

4. Heard and considered the submissions made at the Bar and perused the material available on record.



5. Perusal of the record indicates that aggrieved by the order dated 23.11.2023 passed by the DFRC, the petitioner approached the Review Committee but the same was not functional, hence under such circumstances, the petition bearing No. 5677/2024 was submitted wherein an interim order was passed on 01.05.2025 and finally the said petition was disposed of on assurance given by the State counsel that the Review Committee would be constituted and would be made functional w.e.f. 15.06.2024, but inspite of passing of considerable time, till date, no such committee was constituted by the State and in the meantime, the respondent No. 3 approached the State by way of filing a representation and the same was entertained and vide impugned order dated 27.07.2024 a direction was issued to the petitioner-school not to recover the balance fee for the academic Sessions 2017-2018 from the students and no coercive action be taken against the students till disposal of the matter by the Review Committee. Now, Review Committee has been constituted by the State by issuing a Gazette Notification on 16.06.2025 and thereafter, the validity of the order dated 23.11.2023 has been examined by the Review Committee and it has been found that an appropriate opportunity of hearing was not provided to the petitioner and considering the arguments of all respective parties, the matter has been remanded to the DFRC for its fresh decision within a period of two months, hence, under the changed circumstances, the matter is remitted to the DFRC and it is expected from the DFRC to make all possible endeavours to decide the pending matter, as per the directions issued by the Review Committee.





6. The present writ petition stands disposed of, accordingly.
7. Stay application and all pending application (s), if any, also stand disposed of.



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(ANOOP KUMAR DHAND),J