

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2636 of 2019

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Yousuf Ali Sayeed

Rehan Ali & others.....Petitioners

Versus

Province of Sindh & others.....Respondents

12.03.2020

Petitioner No.1 present in person.
Mr. Hamood-ur-Rub Jaffry, General Secretary
of All Sindh Parent's Association/Petitioner No.7 present.
Mr. Atir Aqeel Ansari, Advocate for Respondents No.4-6
a/w Syed Shakeel-ur-Rhman, Senior Manager of
The AMI School/Respondents No.4-6 present.
Dr. Mansoob Hussain Siddiqui, Director General,
Directorate of Inspection/Registration of Private Institutions
Sindh School Education & Literacy Department,
Government of Sindh present.
Mr. Jawad Dero, Addl. A.G. Sindh.

Muhammad Ali Mazhar, J: The petitioners in this case being parents of the students studying in respondents No.4 to 6 educational institutions have prayed for the cancellation of fee challans issued by respondents No.4 to 6 on 28.08.2018 and all other challans which are considered by them in violation of the court orders as well as in violation of the orders of the hon'ble Supreme Court. The petitioners have also produced a copy of fee challan and objected that despite charging tuition fee, some other charges have also been included in the challan such as events fee in the sum of Rs.600/-, sports day charges Rs.1,000/-, sports charges Rs.750/-, photostat charges Rs.1,050/-, LSP (Learning Skill Programs) charges Rs.3,600/-. The petitioner No.1 argued that these all are unjustified amounts which should have been

included in the tuition fee rather than segregating the amounts in different heads which is nothing but a device to circumvent the orders of the court as well as the orders of the hon'ble Supreme Court and charged more fee as a commercial venture, whereas the learned counsel for the respondents No.4 to 6 argued that just because of pendency of this petition, the Director General, Directorate of Inspection/Registration of Private Institutions, Sindh School Education & Literacy Department, Government of Sindh, who is present in court is not approving the fee structure of respondents No.4 to 6. It was further argued that the fee structure is same as was lastly approved by the Director General, Directorate of Inspection/Registration of Private Institutions Sindh School Education & Literacy Department, Government of Sindh. The learned counsel further argued that the application for approving the fee structure in terms of the judgment of the hon'ble Supreme Court has already been filed before the Directorate of Schools Education and despite sending reminders the application could not attain the finality and the matter is still pending. The petitioner No.1 also complained that some additional admission fee has already been charged on exorbitant rate which is also unlawful under the relevant rules.

2. The Director General, Directorate of Inspection/Registration of Private Institutions Sindh School Education & Literacy Department, Government of Sindh is the competent authority under the Sindh Private Educational Institutions (Regulation and Control) Rules, 2005 and under Rule 7, it is the responsibility of the inspection committee to recommend the fee structure of an institution after a detailed inspection of the institution at the time of registration. It is further provided that fee schedule once approved shall not be increased at any time during the academic year and thereafter the fee may be increased upto five percent only of last fees schedule. The registration is accorded under Rule 6 for a period of three years on payment of fees mentioned in the schedule, if it is satisfied with the working and curricular activities of the institutions. Whether the school is charging some exorbitant

fee which is not justifiable or in violation of any rule or the last directions of the hon'ble Supreme Court? It is to be first examined by the Director General, Directorate of Inspection/Registration of Private Institutions Sindh School Education & Literacy Department, Government of Sindh, therefore, this petition is disposed of with the directions to the Director General, Directorate of Inspection/Registration of Private Institutions Sindh School Education & Literacy Department, Government of Sindh to not only consider the application of the respondents No.4 to 6 for their fee increase but at the same time the petitioners shall also be given fair opportunity of hearing and thereafter the Director General, Private Institutions Sindh School Education & Literacy Department, Government of Sindh will pass necessary orders within one month after considering all the fee being charged by the respondents No.4 to 6 in different heads as to whether the same is justifiable or not and thereafter the approval letter shall be issued in accordance with law. The first meeting shall be convened on 19.03.2020 at 09:00 A.M. in the office of Director General, Private Institutions Sindh School Education & Literacy Department, Government of Sindh when the petitioners and representative of respondents No.4 to 6 shall attend. Pending application is also disposed of.

Judge

Judge

Asif

