

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No 18491 of 2018

NISA Education

Petitioner

VERSUS

The State of Haryana and Others

Respondents

**COURT FEES PAID Rs.82.00/-**

Petitioner through Counsel

Place: Chandigarh  
Dated: 25.07.2018

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
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**LIST OF DATES & SYNOPSIS**

The petitioner association is aggrieved from the action of the respondent no. 3 where they are demanding the payment of enrolment fee by the permanently recognized un-aided schools situated in State of Haryana for Class 8<sup>th</sup> for the academic session of 2018-2019 whereas, the respondent board is taking the affiliation fee from the school @ Rs. 20,000/- for Class 10<sup>th</sup> & 12<sup>th</sup>. They are also taking the money from the provisionally affiliated schools @ Rs. 10,000/- per year. The respondent board was taking the affiliation fees from the schools affiliated upto Class 8<sup>th</sup> @ Rs. 5000/- lump sum till the board examination were conducted by them. After the discontinuation of the board for Class 8<sup>th</sup>, the respondent board has stopped taking the enrolment fee for Class 8<sup>th</sup> from the schools. Now, during the mid-session the respondent board has again demanded the payment of enrolment fee @ Rs. 8000/- vide letter dated 13.07.2018 (**Annexure P-4**) from permanently recognized schools situated in the State of Haryana even when there is no board examination for Class 8<sup>th</sup> in the State of Haryana, neither any services are being

offered by the respondent board to the member schools of the petitioner association. Without amending the statutory rules & regulations demand of enrolment fee is in violation of the statutory provision of the rules & regulations of the Haryana Board of School Education, Bhiwani (**Annexure P-5** and **P-6**).

**Annexure P-1 (26.10.2015)**

The association has been registered at New Delhi by getting the certificate of registration from the concerned registration authorities as the society has been registered at New Delhi for the members schools situated in all over India.

**Annexure P-2**

The petitioner-association has been formed on the basis of aims and objectives mentioned in the charter of the association, so that the association could take care the rights of the members school in respect of the problems faced by them.

**Annexure P-3**

The list of the members schools are being appended which are being the members of the petitioner association and the petitioner association is filing the present writ petition on their behalf.

**Annexure P-4 (13.07.2018)**

The respondent board has issued the letter on 13.07.2018 vide which the enrolment fee is demanded from the private un-aided schools situated in the State of Haryana including the member schools of petitioner association.

**Annexure P-5 (05.12.2016)**

The respondent board has circulated the amended rules & regulations circulated by the State Govt. on 29.08.2005 by amending the earlier rules & regulations.

**Annexure P-6 (29.08.2005)**

The respondent board has framed the rules & regulations pertaining to affiliation and enrolment etc. which were amended in 2016.

Hence the present writ petition before this Hon'ble court.

Petitioner through Counsel

Place: Chandigarh  
Dated: 25.07.2018

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
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CWP No 18491 of 2018

**MEMO OF PARTIES**

NISA Education having registered office at A-24-D, Ground Floor, Hauz Khas, New Delhi through its President Sh. Kulbhushan Sharma son of Sh. J.P. Sharma, age 52 years, resident of House No. 52-53, Vidhya Nagar, Nanhera, P.O. Kuldeep Nagar, Ambala Cantt.

Petitioner

**VERSUS**

1. The State of Haryana through its Additional Chief Secretary (Schools), Government of Haryana, Haryana Civil Secretariat, 7<sup>th</sup> Floor, Sector 1, Chandigarh.
2. The Director Elementary Education, Haryana, Shiksha Sadan, Sector 5, Panchkula, Haryana.
3. The Chairman, Haryana School Education Board, Bhiwani, Haryana.

Respondents

Petitioner through Counsel

Place: Chandigarh  
Dated: 25.07.2018

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

Civil Writ Petition under Article 226/227 of the Constitution of India praying for the issuance of any writ, orders or directions especially in the nature of certiorari to quash the orders/letter dated 13.07.2018 (**Annexure P-4**) issued by the respondent no. 3 in which they are demanding the payment of enrolment fee from the permanent recognized schools situated in the State of Haryana for Class 8<sup>th</sup> without affording any services to them before conducting the examination for middle standard; a writ of certiorari may kindly be issued to set aside the orders/letter dated 13.07.2018 (**Annexure P-4**) in terms of the new rules & regulations circulated by the respondent no. 3 in December 2016 (**Annexure P-5**) as clause 13 deals with the payment of enrolment fee and the respondent no. 3 is conducting the examination from Class 10<sup>th</sup> onwards, the respondent could not demand the payment of enrolment fee for Class 8<sup>th</sup> from the permanent recognized school situated in State of Haryana till the State

Legislature notified the Board examination for middle standard; a writ of mandamus may kindly be issued to the respondents to treat the letter dated 13.07.2018 (**Annexure P-4**) as having no legal sanctity as it is issued in contravention to the statutory provisions of rules & regulations circulated by the respondent board in December 2016 (**Annexure P-5**) where the board examination for middle standard was discontinued and till now there are no board examination for Class 8<sup>th</sup> are being conducted and the schools are at liberty to get them affiliated for Class 10<sup>th</sup> then the board cannot demand the enrolment fee from them by bifurcating the enrolment fees for class wise

**RESPECTFULLY SHOWETH:**

1. That the members of the petitioner society are the citizens of India. The authorized signatory who is filing the present petition before this Hon'ble court is the citizen of India and the resident of the State of Haryana thus, fully competent to invoke the extraordinary writ jurisdiction of this Hon'ble court by way of filing the present writ petition under Article 226/227 of Constitution of India to get the

grievances of its member schools be resolved with the crave indulgence of this Hon'ble court.

2. That the petitioner society has been registered in the name of NISA Education on 26.10.2015 at New Delhi and the Registrar of Societies, South District, Government of NCT of Delhi has issued the certificate of registration under his seal and signature on 26.10.2015 by giving the legal sanctity to the society. Copy of the certificate dated 26.10.2015 is appended herewith as **Annexure P-1**.
3. That the society was registered having the aims and objectives to rake up the issues of the private schools so that the member schools of the society could carry out their functions without any problem apart from other aims and objectives for which the society was established. The copy of the memorandum of association of society is appended herewith as **Annexure P-2**.
4. That the list of the member schools situated in the State of Haryana is also enclosed with this writ petition and the society is having 227 situated in the State of Haryana are its members on behalf of which the present petition is being filed. Copy of the list of the member schools are appended herewith as **Annexure P-3**.
5. That the petitioner society is having a sphere in all the states of country and its members are not only trying to smoothen the problems of the private schools so that the



management of the member schools could concentrate on the betterment of the students studying in their schools. The other objective of the petitioner society is to uplift the down trodden members of the society so that their status could be uplifted with the light of education in the society with intention to prove them as an asset for the country.

6. That on 13.07.2018, the concerned official of the respondent no. 3 has issued the letter in which they have notified that all the Govt. and Non-Govt. schools situated in the State of Haryana, the enrolment fee is prescribed to be implemented on the Class 8<sup>th</sup>. The letter further states that all the Non-Govt. permanent recognized schools situated upto Class 8<sup>th</sup> have to deposit the registration fee of Rs. 8000/- alongwith all their documents and the last date given is 30.07.2018 without fine and with fine from 31.07.2018 to 17.08.2018. The copy of the letter dated 13.07.2018 issued by the respondent no. 3 is appended herewith as **Annexure P-4** for the kind perusal of this Hon'ble court.
7. That the letter issued by the respondent no. 3 is totally erroneous and not as per the rules and regulations circulated by the respondent no. 3. Initially the respondent no. 3 has issued the rules and regulations of the Board of School Education, Haryana in 2005 and then as per them they have circulated the new rules and

regulations in December 2016. The relevant provisions of the rules and regulations on 29.08.2005 (Old and New One) are reproduced below for the kind perusal of this Hon'ble court. The definition given regarding the word affiliation and affiliation fee are also reproduced below for the kind perusal of this Hon'ble court. The rule 3 deals with the categories of affiliation, rule 4 deals with the categories of schools, rule 5 says conditions for affiliation rule 6 deals with the procedure for application for affiliation, rule 8 & 9 deals with the grant of affiliation and validity of affiliation:

**"Affiliation"** means inclusion of the name of institution (School/College) in the approved list of the Board for the purpose of conducting the examination of its students and admitting/ subjecting it to various privileges/ obligations in relation to the Board.

**"Affiliation fee"** means charges payable by the School/College to the Board in connection with affiliation.

### **3. CATEGORIES OF AFFILIATION :**

- i) Secondary Schools upto 10th class.
- ii) Senior Secondary Schools upto 12th class.

*Note : The school may affiliate stage wise or any stage in the first instance means school may affiliate for 10th class or 12th class direct without getting affiliation for 10th as the case may be.*

#### **4. CATEGORIES OF SCHOOLS:**

- i) *Government Schools run by State Government, Central Government or Government Departments like defence, railways etc. in the state of Haryana.*
- ii) *School run by individual, association of Individuals, registered trust, society or firms registered under Societies Registration Act. 1860 including aided schools.*
- iii) *A school running out side the State all over India after getting „No Objection Certificate“ from concerned State Government.*
- iv) *Any school or class of school specially allowed by Board of School Education, Haryana.*

*Note: The school is eligible for affiliation which is not already affiliated to another affiliating Board means the school running in one building/same premises shall not be affiliated concurrently with two boards.*

#### **5. CONDITION FOR AFFILIATION :**

- (a). *The institution applying for affiliation should have obtained recognition from the competent authority of Department of Education, of the state.*
- (b). *The institution shall make use of the syllabus and Text books published, printed and approved by the Board for study by its*

*students. However, recognized unaided schools may adopt any text books based upon the contents of the syllabi of the Board withy prior approval of the Board.*

- (c) The management committee of private aided/unaided schools/colleges recognized by education department be formed in accordance with the rule 32 of Haryana School Education Rule 2003.*
- (d) The institution shall undertake to make available all records/registers of students and teachers for verification of any fact by the Board on demand.*
- (e) The institution shall undertake to make available the building/furniture and the services of its staff to the Board for conducting the examinations without charging any rent for the building/furniture.*
- (f) The institution shall render all co-operation to the Board in conducting the examinations and checking the menace of copying impersonation & other irregularities.*
- (g) The institution shall implement all directions issued by the State Govt. or by Board from time to time for conducting the courses of study and examinations at various levels.*

- (h) *The institution shall accept the responsibility to conduct the courses for the students of „Open School“ & for running of study centers.*
- (i) *The institution shall be open to inspection by any Officer of the Board or any committee constituted for the purpose by the Chairman/Secretary,*
- (j) *No institution which has been affiliated by the Board shall add to the Courses of Instructions in respect of which it is not affiliated to the Board or suspend/stop any course of instructions for which it has been affiliated without the prior permission of the Board.*
- (k) *The Head of the institution while granting admission to the students migrating from other institutions irrespective of whether the migration is from within the State or outside the State, shall ensure authenticity of the documents produced before him/her in support of the claim for admission and shall be personally responsible for the same.*
- (l) *The verification so made shall be produced in the form of attested photocopy with the enrolment return to be submitted to the Board's office. An undertaking to the effect that the Head of the institution owns*

*responsibility for the verification so made will be intimated to the Board along with Enrolment Return by him/her and shall be liable for disciplinary action in case anything adverse on the part of the institution is found against the rules/regulations of the Board and the Govt. The Students seeking admission in class X or XII after passing IX and XI from any other state or Central Board of Secondary Education must get enrolled within 20 days after getting SLC from the previous school. The head of the institution shall be responsible for making the admission well in time & within the prescribed dates of all the candidates who are eligible as per rules/regulations and instructions issued by the Board from time to time.*

- (m) The school running in the same building and premises shall not be affiliated with another board concurrently.*
- (n) The medium of instructions-Hindi shall be the preferred medium of instructions in all schools however the school may impart education through the medium of any language other than Hindi such as English, Punjabi, Urdu etc.*

(o) *The Branch of the school running in a separate building shall be treated as a new school for affiliation purpose.*

(p) *Transfer/Sale of school—The Department/Board would not allow to transfer/sale of any property of school by one Society/ Management/ Trust/ Individual or Individual Association to another Society/Management/Trust/Individual or individual association through agreement/sale deed, shall be necessary.*

**6. PROCEDURE FOR APPLICATION FOR AFFILIATION:**

*Any School run by individual, association of individuals, or firm or society registered under Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956) including Aided schools recognized by competent authority of Education Department, Haryana shall apply in prescribed form (appended as form) for affiliation to the Secretary Board of School Education Haryana along with affiliation fee by such date fixed by the Board from time to time.*

*The institution run by the State Government /Central Government as defined in the regulations*

shall also apply for affiliation in the prescribed form without affiliation fee.

#### **7. AFFILIATION FEE:**

The affiliation fee shall be deposited as per details given below:

(i) Temporarily recognized school for temporary affiliation. **Rs. 10,000/- per year**

(ii) Permanently recognized school upto 10th class for permanent affiliation.

**Rs. 20,000/- lumpsum**

(iii) Permanently recognized school upto 12th class for permanent affiliation.

**Rs. 20,000/- lumpsum**

The above affiliation fee is subject to review from time to time by the Board. If a school permanently recognized upto 10th class is upgraded and granted permanent recognition upto class 12th then it shall pay Rs. 12000/- only as the difference (Rs. 20000-8000/-) for permanent affiliation.

#### **Note:**

The Chairman may order the acceptance of applications for affiliation with a late fee of Rs. 5000/- in exceptional cases where the same has not been made within the time prescribed by the Board.

#### **8. GRANT OF AFFILIATION:**



*The affiliation shall be granted by the Chairman on payment of prescribed fee and fulfilling of other conditions of affiliation.*

**9. Validity of Affiliation:**

*Permanent affiliation shall be given to the permanently recognized schools/institutions on payment of prescribed fee. Permanently affiliated school will have to pay Rs. 2000/- (Rupee Two Thousand Only)/(or as decided by the Board from time to time) annual continuation fee every year with affiliation form. Temporary affiliation will be given on annual basis to the temporarily recognized schools/institutions on payment of the prescribed fee of Rs. 8000/- (Rupees Eight thousand only)/(or as decided by the Board from time to time) every year.*

**10. REFUSAL, SUSPENSION OR WITHDRAWAL OF AFFILIATION AND OTHER PENALTIES:**

*In the cases where it is noticed that an institution affiliated to this Board has violated any of the rules/regulations or flouted any instructions/directions given to it by the Board's office, the Chairperson may impose penalty as per criteria laid down by the Board for imposing such penalties from time to time.*

*The Chairperson may refuse/withdraw/suspend the affiliation of a school after giving a reasonable*

*opportunity against the proposed action to be taken against the school in the following circumstances:*

- a) *If a school ceases to fulfil any requirement of affiliation or any of the conditions of these regulations.*
- b) *If a school is found involved in malpractices such as mass copying in public examination conducted by the Board or giving admissions on the basis of bogus documents or unrealistic over sponsoring the candidatures or tampering of records or non co-operation with the Government/Board, its affiliation shall be withdrawn/refused/suspended and the concerned institution shall be intimated in this regard.*
- c) *If the institution obtains affiliation by fraud, mis-representing or suppressing any particulars or after obtaining affiliation fails to continue to comply with any of the regulations, the Chairman after giving a reasonable opportunity can withdraw/suspend affiliation.*
- d) *If recognition of an institution is withdrawn by the Education Department earlier in such a case affiliation shall cease from the date of withdrawal of such recognition.*

- e) *If at any stage it is found that an institution had committed in the past any illegality/irregularity or violating any of the rules/regulations/instructions of the Board/Education Department, the affiliation can be refused/withdrawn/ suspended by the Chairman of the Board for the current academic session irrespective of the fact that the institution has been granted recognition by the Government and the institution has already sponsored the students for board's examination. However, in case of Govt. Institution the case will be referred to the appropriate authority.*

*The affiliation granted by the Chairman can also be withdrawn earlier if in the opinion of the Chairman, the institution has failed to observe/comply with any of the conditions of affiliation.*

*Provided that affiliation shall not be suspended/ withdrawn without giving reasonable opportunity to the institution.*

8. That the Part-II of the rules and regulations of the Board of School Education, Haryana deals with the enrolment regulations which are reproduced below for the kind perusal of this Hon'ble court:

**BOARD OF SCHOOL EDUCATION HARYANA, BHIWANI**  
**PART-II ENROLMENT REGULATIONS**

**(13) (I) ELIGIBILITY FOR ENROLMENT:**

*The following categories of students shall be eligible for enrolment:*

- (A) *Regular/Private students whose „Enrolment-cum-Admission form“ along with prescribed fee is received within the prescribed dates for appearing in the Annual Middle Examination February, 2004 and onward and declared successful in the Board’s Examination. (8th class exam. is not conducted at present)*
- (B) *The student admitted to 9th class in the Govt./Pvt. Institution recognized by the Govt. and affiliated to this Board with in the stipulated period provided he has passed Middle Standard examination conducted by Education Department/Board of School Education, Haryana prior to February, 2004 except :*
- (i) *If he/she has passed 9th class from any other Board/Recognized school situated in any other state and affiliated to any other Board and the examination conducted by that Board has been considered equivalent to the examination conducted by the Board of School Education Haryana and intends to join a high/Sr. Secondary school in Haryana.*
- (ii) *If he/she has passed the 9th class examination from a school, where the*

*students are exempted from passing the Middle Standard examination conducted by the Education Department/Board of School Education, Haryana.*

*(iii) If he/she was studying in a Sainik School or in a school affiliated to the Indian Council of Public Schools or any Anglo Indian or any educational institution in a foreign country before he seeks admission to a high/Senior Secondary School in Haryana and is in possession of a School Leaving Certificate duly attested by the Principal, of the School concerned, or a certificate of having passed 8th class or equivalent examination conducted by the Board constituted by a competent authority and is further adjudged on merit to be a fit student for admission to IX class or a High/Senior Secondary School in Haryana, by the District Education Officer, concerned.*

*(iv) The cases not falling under any of the above-mentioned categories may be considered by the District Education Officer concerned and admission allowed by him on the merit of each case.*

*(C) The students admitted to 9th, 10th, 11th and 12th classes who have not been enrolled earlier on account of any valid reason i.e. admitted on*

*account of migration from other State, Institutions, affiliated to other Boards or have passed Matriculation Examination as a private candidate or from Haryana Open School or failed candidates of Matriculation Examination who have not been enrolled earlier and subsequently admitted to 10th class in an institution.*

*(D) The students who on migration from other States/Boards/Institutions affiliated to other Boards have been admitted as regular students in Government/Private Institutions recognized by the Government/affiliated to the Board within the prescribed dates of admissions or within 20 days from the last date of issue of School Leaving Certificate. The Head of the Institution shall furnish the enrolment-return along with prescribed fee of such candidates, to the Secretary, Board of School Education Haryana, Bhiwani within 15 days from the date of admission in the institution.*

*Note :*

- (i) It is obligatory on the part of the Head of the institution to get all the students admitted to 9 th class enrolled with the Board.*
- (ii) The Head of the institution shall furnish a certificate that the students shown in the enrolment-return except the students admitted on the basis of migration, have*

*been studying in the institution right from the start of the academic session.*

- (iii) The students who have already been enrolled need not be enrolled again.*
- (iv) If the name of a candidate has been struck off and S.L.C. has been issued, his/her enrolment number will be issued only, after determining his/her eligibility, on the request of the institution where he/she has sought admission.*
- (v) In case any school fails to get discrepancies removed or documents completed up to 15 days before the commencement of the every academic yearly examination in respect of any candidate his enrolment return will be cancelled by the Secretary.*

**(13) (II) MIGRATION/CHANGE OF SCHOOLS:**

- (a) For Classes Secondary and Senior Secondary*
  - (i) Head of the school/institution before starting of registration every Academic session.*
  - (ii) Permission by Assistant Director (Academic) {until Director (Academic) is vacant} upto 31st*

December in every Academic session.

(iii) **Secretary:**

(i) 1st of January to issuance of roll number of every Academic session in special cases to be recorded in written.

(b) For all other classes, Heads of Institutions are authorized.

**Note:**

If school leaving certificate is received along with the certified copy of Board Certificate, Enrolment Number will be issued after verification of particulars from School Leaving Certificate, migration certificate will be obtained in the absence of father's name, date of birth etc. only.

There is no restriction on migration/change of school on in class either within the State or from outside.

**(14) (I) SCALE OF FEE:**

The amount of enrolment fee payable by each student shall be as follows:

(i) The students who have passed their 10th & 11th class from the Board/Institution recognized by the Government and affiliated to the Board. --- **Rs. 100/-**



- (ii) *The students who have passed the lower class from other Boards/Institutions affiliated to other Board. --- Rs. 150/-*

*Note : The fee prescribed are subject to revision at any time by the Board.*

Copy of the rules & regulations of Board of School Education, Haryana, Bhiwani dated 29.08.2005 amended by the respondent no. 3 in 2016 are appended herewith as **Annexure P-5**.

9. That the old rules and regulations of Board of School Education, Haryana dated 29.08.2005 in respect of categories of Affiliation, School, conditions of affiliation, procedure for application for affiliation, grant of affiliation upto enrolment regulations and scale of fee are appended herewith as **Annexure P-6**.

It is pertinent to mention here that the old regulations also states the affiliation fee to be paid by the permanently recognized schools upto Class 8<sup>th</sup> for permanent affiliation have to pay Rs. 5000/- in lump sum.

10. That the letter issued by the respondent no. 3 on 13.07.2018 (**Annexure P-4**) is not proper and liable to be set aside on the basis of the *inter alia* grounds:
- i. That the Right of Children to Free & Compulsory Education Act, 2009 says that there will be no

detention of the child upto Class 8<sup>th</sup> till he completed his elementary education as provided in Section 16 of the Act which says that:

**“16. Prohibition of holding back and expulsion:**

*No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.*

*This clause seeks to provide for prohibiting the holding back in any class or expelling a child from school till the completion of elementary education.”*

Since the State of Haryana has adopted the same proviso of the Central Act in 2011 in the Haryana framed by the State Legislature, Haryana where till now no detention policy has been repeat by the Central Parliament and State Legislatures then how could the respondent no. 3 demands the payment of enrolment fee from the permanently recognized schools for Class 8<sup>th</sup>.

- ii. That the new rules and regulations framed by the respondent no. 3 in 2016 clearly stipulate that they are conducting the examination for Class 10<sup>th</sup> and 12. Till middle standard there is no board examination and it is not necessary for the member schools of petitioner association to get them affiliated with the respondent board before the

Secondary level examination. Then under what norms the respondent no. 3 is demanding the payment of enrolment fee from the member schools of the petitioner association.

- iii. That the respondent no. 3 is demanding the payment of enrolment fee for Class 8<sup>th</sup> from the permanently recognized schools situated in State of Haryana for Class 8<sup>th</sup> by bifurcating the payment of enrolment fee on class-wise basis whereas, they are taking the enrolment fee from the schools upto Class 10<sup>th</sup> @ Rs.20,000/- lump sum and for Class 12<sup>th</sup> @ Rs. 20,000/- lump sum. The respondent cannot bifurcate the fee for class-wise.

Thus, letter dated 13.07.2018 (**Annexure P-4**) is liable to be set aside.

11. That the following questions of law have been enumerated in the present writ petition for the kind perusal and adjudication by this Hon'ble court:

- i. Whether the demand of the enrolment fee of Rs. 8000/- by the respondent no. 3 from the permanent recognized schools situated in the State of Haryana upto Class 8<sup>th</sup> are liable to pay the enrolment fee to the respondent no. 3 where the respondent no. 3 is not offering any services to them upto Class 9<sup>th</sup> as there is no board till now for Class 8<sup>th</sup>, then under what rules and regulations the

respondent no. 3 is demanding the enrolment fee from the private un-aided recognized schools upto Class 8<sup>th</sup> by going against the rules and regulations **(Annexure P-5)?**

- ii. Whether the respondent no. 3 could demand the enrolment fee from the members of the petitioner association vide letter dated 13.07.2018 **(Annexure P-4)** without offering any services to them and the member schools are free to get their schools be affiliated with the respondent no. 3 for Secondary & Senior Secondary classes, in that eventuality the respondent no. 3 could not demand the enrolment fee for the classes prior to secondary level classes?
12. That the petitioner association has left with no other efficacious remedy except to approach this Hon'ble court by way of filing the present writ petition to get the orders dated 13.07.2018 **(Annexure P-4)** be set aside as no revision or appeal is maintainable in that respect under the rules and regulations of the Haryana School Education rules & regulations 2005 & 2016 **(Annexure P-5 & Annexure P-6)**.
  13. That no such or similar petition has been filed by the petitioner before this Hon'ble court or before the Hon'ble Supreme Court of India on the same cause of action except CWP No. 18134 of 2018 in which this Hon'ble court

has passed the orders by allowing the withdrawal of the case by filing the fresh one with better particulars.

**PRAYER CLAUSE**

- i. It is, therefore, respectfully prayed that a writ of certiorari may kindly be issued to quash the orders/letter dated 13.07.2018 (**Annexure P-4**) issued by the respondent no. 3 in which they are demanding the payment of enrolment fee from the permanent recognized schools situated in the State of Haryana for Class 8<sup>th</sup> without affording any services to them before conducting the examination for middle standard;
- ii. A writ of certiorari may kindly be issued to set aside the orders/letter dated 13.07.2018 (**Annexure P-4**) in terms of the new rules & regulations circulated by the respondent no. 3 in December 2016 (**Annexure P-5**) as clause 13 deals with the payment of enrolment fee and the respondent no. 3 is conducting the examination from Class 10<sup>th</sup> onwards, the respondent could not demand the payment of enrolment fee for Class 8<sup>th</sup> from the permanent recognized school situated in State of Haryana till the State Legislature notified the Board examination for middle standard;
- iii. A writ of mandamus may kindly be issued to the respondents to treat the letter dated 13.07.2018 (**Annexure P-4**) as having no legal sanctity as it is issued in contravention to the statutory provisions of rules & regulations circulated by the respondent board in

December 2016 (**Annexure P-5**) where the board examination for middle standard was discontinued and till now there are no board examination for Class 8<sup>th</sup> are being conducted and the schools are at liberty to get them affiliated for Class 10<sup>th</sup> then the board cannot demand the enrolment fee from them by bifurcating the enrolment fees for class wise in the interest of justice.

- iv. The petitioner may kindly be granted the exemption from serving the advance notice upon the respondents before filing the present writ petition before this Hon'ble Court.
- v. The petitioner association may kindly be granted exemption from filing the certified copies of the Annexure P-1 to Annexure P-6, without appending the certified copies of the aforesaid annexure, as well as the permission be also granted to append the photocopies of the Annexure P-1 to P-6 alongwith this petition.

#### **AD-INTERIM PRAYER**

It is humbly prayed that till the pendency of the present writ petition before this Hon'ble court, the stay may kindly be granted on the implementation of the orders/letter dated 13.07.2018 (**Annexure P-4**) in which the enrolment fee for Class 8<sup>th</sup> is being demanded in the interest of justice.

Petitioner through Counsel

Place: Chandigarh  
Dated: 25.07.2018

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

**VERIFICATION:**

Verified that all the contents mentioned in the writ petition are true and correct to the best of the knowledge of the petitioner and nothing have been concealed from this Hon'ble Court. In para no 1 to 10, 12 and 13 are true to the best of knowledge of the petitioner and question of law has been mentioned in para no. 11 of the writ petition.

Place: Chandigarh

Dated: 25.07.2018

**PETITIONER**

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No 18491 of 2018

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The State of Haryana and Others

Respondents

Affidavit of Kulbhushan Sharma son of Sh. J.P. Sharma, age 52 years, resident of House No. 52-53, Vidhya Nagar, Nanhera, P.O. Kuldeep Nagar, Ambala Cantt. President of NISA Education having registered office at A-24-D, Ground Floor, Hauz Khas, New Delhi, do hereby solemnly affirms and declare as under:-

1. That the deponent being petitioner is fully conversant with the facts and circumstances of the case.
2. That on the request of the deponent, his counsel has prepared the writ petition on the basis of information and record provided by him.
3. That the deponent has gone through the contents of the writ petition which are true and correct to his knowledge.
4. That the contents of the writ petition may kindly be treated as part and parcel of this affidavit.

Place: Chandigarh

Dated: 25.07.2018

DEPONENT

**VERIFICATION:-**

Verified that the contents of my aforesaid affidavit mentioned in paragraphs 1 to 4 are true and correct to my knowledge. No part of it is false and nothing relevant has been kept concealed therein from this Hon'ble Court.

Place: Chandigarh

Dated: 25.07.2018

DEPONENT



# NISA EDUCATION

Regd office at A-24-D, Ground Floor, Hauz Khas, New Delhi

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Ref. No

Dated: 25.07.2018

## Resolution

The meeting of the association has been convened on 25.07.2018 in the present of the most of the members of the association, in which the agenda regarding the filing of the case before the Hon'ble Punjab and High Court was considered to challenge the letter issued by the Haryana School Education Board, Bhiwani demanding the enrolment fee from the permanent recognized schools situated in the State of Haryana. In this regard, the President of NISA, Sh. Kulbhushan Sharma, has been authorised to take all necessary steps regarding the filing of the case as well as he has been authorised to append his signature on the relevant document in respect of the case on behalf of the association.

**Secretary**

**President**

**Treasurer**

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No 18491 of 2018

NISA Education

Petitioner

VERSUS

The State of Haryana and Another

Respondents

**INDEX**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Dated</b>	<b>Page No.</b>	<b>Court Fees</b>
1.	List of Dates and Events	25.07.2018	1-3	0.00/-
2.	Civil Writ Petition	25.07.2018	4-30	50.00/-
3.	Affidavit in Support	25.07.2018	31	0.00/-
4.	<b><u>Annexure P-1</u></b> Registration Certificate	26.10.2015	32	0.65/-
5.	<b><u>Annexure P-2</u></b> Memorandum of Association	----	33-50	11.70
6.	<b><u>Annexure P-3</u></b> List of Member Schools	----	51-54	2.60/-
7.	<b><u>Annexure P-4</u></b> Letter	13.07.2018	55	0.00/-
8.	<b><u>Annexure P-5</u></b> Rules & Regulations	05.12.2016	56-68	8.45/-
9.	<b><u>Annexure P-6</u></b> Rules & Regulations	29.08.2005	69-74	3.90/-
10.	<b><u>Vernacular of Annexure P-1</u></b> Letter	13.07.2018	75	0.65/-
8.	Resolution	25.07.2018	76	0.00/-
9.	Power of Attorney	25.07.2018	77	2.65/-
<b>TOTAL</b>				<b>82.00</b>

**NOTE:**

1. The main law points enumerated in the present writ petition are at page No. 26 and 27 in para No 11 thereto.
2. Whether any Caveat petition has been filed or not: **-Nil-**
3. Similar case, if any: CWP No. 18134 of 2018 which was dismissed as withdrawn by this Hon'ble court.
4. Violations of the provisions of:-
  - i. Provisions of Rules & Regulation of Haryana Board of School Education, Haryana (2016 & 2005) **Annexure P-5**  
**& Annexure P-6.**

Petitioner through Counsel

Place: Chandigarh  
Dated: 25.07.2018

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

**Annexure P-1****HARYANA SCHOOL EDUCATION BOARD, BHIWANI**

(I.S.O. 9001-2008 Certified institution)

**IMPORTANT INFORMATION**

From the academic session of 2018-2019 for Class 8<sup>th</sup> in respect of all the schools Government/Non-Government schools situated in State of Haryana work is started to impose the enrolment for Class 8<sup>th</sup>. All the Non-Govt. permanent recognized schools upto Class 8<sup>th</sup>, the affiliation application and other documents alongwith affiliation fee of Rs. 8000/- is to deposited. To deposit the fee dates are as accordingly:

<b>Dates for Affiliation</b>	<b>Without Late Fee</b>	<b>With Late Fee of Rs. 5000/-</b>
	16.07.2018 to 30.07.2018	31.07.2018 to 17.08.2018

Thus, all non-government permanent recognized school upto Class 8<sup>th</sup> within time deposit their affiliation application, fee to be deposit with the board office. Alongwith the affiliation application the copy of the recognition received from the education department, staff statement, alongwith phone number and certified copy of the registration certificate of society is necessary to enclose. Apart from that it is also intimated that to get the application form for class 8<sup>th</sup> could be received apart from the board head office from district co-ordination centre Ambala, Fridabad, Fatehabad and Rohtak. The forms alongwith bank drafts could be deposited in the name of Secretary, Haryana School Education Board, Bhiwani. Affiliation application forms are available on the board website [www.bseh.org.in](http://www.bseh.org.in)

Sd/-13.07.2018

Assistant Director (Affiliation)

TRUE TRANSLATION

ADVOCATE