

Form No: HCJD/C-121  
**ORDER SHEET**  
**IN THE LAHORE HIGH COURT, LAHORE**  
**JUDICIAL DEPARTMENT**

W. P. No.21822 of 2010

Judicial Activism Panel & another

Versus

The Government of Pakistan through Secretary  
Education, Islamabad & others

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or counsel, where necessary
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20.11.2019. M/s. Muhammad Azhar Siddique, Malik Abdullah, Mian Ali Asghar, Barrister Momin Malik, Barrister Dr. C.M. Afzal, Asif Imran Awan, Ch. Muhammad Naeem, Ch. Muhammad Javed Arshad, Ms. Aqsa Jabeen, Mian Shabbir Ismail, Muhammad Irfan and Munir Ahmad Baig, Advocates for petitioners in instant and connected **W.P. No.57278 of 2019, W.P.No.57838 of 2019, W.P. No.59442 of 2019 & W.P. No.60192 of 2019.**

Mr. Ameer Abbas Ali Khan, Assistant Advocate General along with Humayun Akhtar Sahi, Senior Law Officer SED, Muhammad Javed Chohan, Law Officer, office of CEO Education, Lahore and Muhammad Sajjad, Litigation Officer, office of CEO (DEA), Sheikhpura.

Khawaja Ahmad Hosain, Advocate for LACAS (Private) Limited, Educational Services Private Limited and Lahore Grammar School, Lahore.

Barrister Momin Malik, Advocate for Bloomfield Hall (Pvt.) Limited.

Mr. Muhammad Siddique Awan, Advocate for Central Model School, Lahore.

This order shall be read in instant as well as following connected petitions as common questions of law and facts are involved in these cases:-

1. W.P. No.57279 of 2019 titled *Mashood Ahmad v. Government of Pakistan through Secretary Education, Islamabad & others.*
2. W.P. No.57838 of 2019 titled *Muhammad Abdullah Awan & others v. The School Education Department, Punjab through its Secretary & others.*

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3. W.P. No.59442 of 2019 titled Arooj Fatima & others v. Government of Pakistan through Secretary Education, Islamabad & others.
4. W.P. No.60192 of 2019 titled Asif Imran Awan v. LACAS School System, Lahore & others.
5. W.P. No.67580 of 2019 titled Bloomfield Hall (Pvt.) Limited, Lahore v. The Government of Punjab through Secretary Education, Lahore & others.
6. W.P. No.68919 of 2019 titled LACAS (Pvt.) Limited, Lahore v. Province of the Punjab through the Secretary Education, Lahore & others.
7. W.P. No.69713 of 2019 titled LACAS (Pvt.) Limited, Lahore & another v. Province of the Punjab through Secretary Education, Lahore & others.
8. Crl.Org.No.60752-W of 2019 titled Mian Shabir Asmail v. Ms. Irum Bukhari & others.

2. In compliance with directions passed by this Court on previous dates of hearing, District Education Authority issued various notices / letters dated 23.10.2019 to private schools qua "Re-Calculation of Fee", intimating fee structure duly approved by the District Registering Authority, Lahore in its meeting held on 15.10.2019, under the Chairmanship of Deputy Commissioner, Lahore. The private schools as well as parents were also permitted to file objections, if any, before the District Education Authority, Lahore within one week. Subsequently, the District Registering Authority, Lahore, vide various letters dated 11.11.2019, proceeded to cancel registration of various private schools on the ground of over-charging of fee in violation of fee structure notified by District Registering Authority, Lahore. The private schools as well as parents of students have raised objections before this Court on the approved fee and some of the schools have filed fresh constitutional petitions challenging cancellation of their registration.

3. It has been contended on behalf of Educational Services (Private) Limited / Beachonhouse School System and Lahore

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Grammar School i.e. respondents No.4 & 5, respectively in **W.P. No.57838 of 2019** that the private schools are permitted to increase fee @ 5% of the fee charged during the previous academic year without any approval and up to 8% increase in the existing fee in every academic year subject to approval of the District Registering Authority; that academic sessions of respondents No.4 & 5 are from August to July of next year and from July to June next year, respectively, therefore, they are permitted three increases of 8% for academic years 2017-18, 2018-19 & 2019-20 and they possess requisite approval in this regard; that interim order of Hon'ble Apex Court dated 13.12.2018 qua 20% reduction in fee stood merged in final order and has ceased to have effect from 12.06.2019, thus, the respondents are entitled to recover arrears of fee in this regard from 13.12.2018 to 12.06.2019 and for the months of July to September, 2019; that impugned school registration cancellation orders are non-speaking being devoid of reasons and against principles of natural justice; and that impugned registration cancellation orders and recalculation notification have been passed without deciding the objections filed by private schools against recalculation notices / letters.

4. Learned counsel for LACAS (Pvt.) Limited and Bloomfield Hall (Pvt.) Limited / petitioners in **W.P. Nos.67580, 68919 & 69713 of 2019**, have adopted the above arguments, however, further submit that notices dated 23.10.2019 & 31.10.2019, regarding re-calculation of fee are not justified for the reason that increases in fee were made after due approval of the competent authority and in support have referred to certain notifications appended with the said writ petitions, contending that the same have not been taken into consideration while re-calculating the fee.

5. Learned counsel for petitioners in instant as well as connected writ petitions, filed by some parents of students and

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learned Law Officer have controverted the above assertions of private schools and supported the actions being taken by District Education Authority and District Registering Authority. However, learned counsel submit that judgment of Hon'ble Supreme Court is not being complied with in its letter and spirit and students / parents are still facing hardships at the hands of private schools regarding charging of excess fee and request for issuance of necessary directions for redressal of their grievances. They add that as per judgment of Hon'ble Apex Court, private schools have been directed not to recover any arrears of fee, revert to fee they were charging in 2017 and refund or adjust the excess fee received according to Section 7-A of the Punjab Private Educational Institutions (Promotion & Regulation) Ordinance, 1984, as lastly amended by the Act of 2017.

6. It is apparent from the above that private schools as well as parents / students have raised serious objections with regard to re-calculation of fee and private schools are also aggrieved of cancellation of their registration by the District Registering Authority, which has opened a new door of litigation. Petitioners / parents still have complaints of charging of excess fee by the private schools. The District Education Authority, Lahore has also invited objections of private schools as well as parents upon re-calculation of fee. In these circumstances, with the consensus of learned counsel for the parties, the objections raised by private schools as well as petitioners / parents along with copies of writ petitions are transmitted to District Education Authority, Lahore, with direction to decide / address the same strictly in accordance with law, by treating them representations, after providing reasonable opportunity of hearing to all concerned, through a well-reasoned speaking order, without being influenced by previous re-calculation notifications / notices / letters / orders.

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7. In the meanwhile, the parties shall follow and observe the following directions:-

- (i) Impugned school registration cancellation orders are set aside, however, the private schools shall be bound to abide by the directions issued by District Education Authority and District Registering Authority, Lahore to be passed by them pursuant to directions issued by this Court.
- (ii) Parents / students shall be bound to pay any outstanding fee, if already paid less than the parameters laid down by Hon'ble Apex Court and private schools shall refund the excess fee, if any already received, within seven days from the date of fresh determination to be made by the District Registering Authority.
- (iii) Private Schools are not supposed to charge excess fee beyond the parameters laid down by Hon'ble Apex Court.
- (iv) Students shall not be expelled from the schools and their dignity would not be compromised under the garb of non-payment of excess fee, till final determination to be made by the authority.

8. District Education Authority, Lahore shall present a comprehensive report showing decision on the objections raised by the parties as per law and compliance of above directions and judgment of Hon'ble Apex Court in letter and spirit.

9. This as well as all connected petitions, mentioned above, be re-listed for hearing on 11.12.2019.

(Muhammad Sajid Mehmood Sethi)  
Judge

\*Sultan\*

