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Office of the Chairman
Committee for Fixation of Fee Structure of Private
Educational Institutions of J & K State
H.No. 46/1, near J & K Bank Hyderpora, Sgr-190014

File No.

F-153 & F-166

Date of Institution

12/10/2015 & 14/10/2015

Date of order

01/12/2015

ORDER

President, Joint Committee of Private Schools has filed this application for permission to increase 10% fee over the fee charged during the month of August' 2014. Another application has been filed by Chairman, J&K Unaided Private Schools' Coordination Committee, Srinagar for a similar relief.

President, Joint Committee of Private Schools has in his application stated that their Association is running various schools at different places. It is submitted that the Committee may take some time for laying down the parameters which will govern fee structure for the next academic session. It is further submitted that there is urgent need for the schools to hike the fee structure due to increase in the cost of living. The increase is also required for grant of increments to the teaching and non-teaching staff, improvement of the libraries, improvement in IT Software and its fresh purchases, increase in the rent wherever the schools are operated in the rented premises.

Chairman, J&K Unaided Private Schools' Coordination Committee, Srinagar has also sought 10% enhancement of tuition fee, bus fee and other fee of the students. They have referred to a notification issued by the Director School Education vide No. DSEK/DIT/1382-86 dated 24-11-2006 which inter-alia provides that the schools shall not increase the fee by more than 10%.

The Committee has considered the submissions of both the President, Joint Committee of Private Schools and the Chairman, J & K Unaided Private Schools' Coordination Committee, Srinagar.

On consideration of the matter, the Committee finds that there are no sufficient grounds to grant a general permission to the schools to make 10 % enhancement in the tuition and other fees.

Hon'ble High Court of J&K has in its order dated:01.06.2015 directed the schools to charge fee from the students as was applicable on August' 2014. For any enhancement of the fee by any school, the school concerned has to approach the Committee with a just and proper ground.

This Committee has in its notification dated:14.09.2015 prescribed a proforma which contain various information about the schools and once such information is furnished, the Committee will be in a position to consider and appreciate the prayer of each school for enhancement of the fees. This cannot be done by a general order particularly when the Hon'ble High Court has categorically directed the schools not to make any increase in their fee structure.

The Circular on the basis of which Chairman, J&K Unaided Private Schools' Coordination Committee, Srinagar seeks enhancement of fee structure cannot over-ride the directions of the Hon'ble High Court passed in this regard.

On consideration of the circular, the Committee finds that it does not permit the schools to make enhancement in the fee structure. Clause (iii) of the Notification deals with 10 % increase of fee. It provides as under:-

"increase in fee if and when effected shall have to be necessarily justifiable and may be appropriately put out to the parents at least 45 days before commencement of the new session when such increase in fee becomes operative. The element of increase in fee shall not exceed 10 % of fees otherwise charges pending promulgation of rules under the provision of J&K School Education Act' 2002"

A perusal of the clause would show that it does not permit any increase but only limits any such increase in fee, if made by the school, to a maximum 10 % of the fee. The notification provides that any increase in fee if and when effected shall have to be 'necessarily justifiable'. Thus, even if we go by the circular, it makes it mandatory for the schools to make increase in the fee only when there is a sufficient justification for the same. This also shows that the case of each school is to be taken up and considered separately as each school may have its own grounds for such increase. Thus, a general order regarding

Increase in fee cannot be made nor can such increase be allowed unless the grounds by each school are considered separately.

In these circumstances, the Committee finds that a general order permitting an increase in the fee structure by 10% cannot be made at this stage. Each school is to be assessed separately and for this purpose the Committee has to consider the information as the schools may submit on the proforma prescribed by this Committee. The schools who have not so far submitted their cases in the prescribed proforma are, therefore, advised to expedite filing of the information so that their cases are also considered by the Committee for regulation of the fee structure.

Order accordingly.

Sd/-
(Justice Hakeem Imtiyaz Hussain)
Chairman

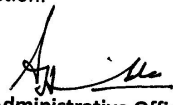
Sd/-
(Mr. Shaleen Kabra)
Member Secretary

Sd/-
(Ms. Kaneez Fatima)
Member

Sd/-
(Mr. Showkat Ahmad)
Member

Copy to:-

1. Commissioner/Secretary to Government, School Education Department, Civil Secretariat, Jammu for information.
2. Director, School Education, Jammu/Kashmir for information and n/action.
3. Secretary, J & K BOSE, Jammu for information and necessary action.
4. I/c Website, Fee Fixation Committee to upload on the website.
5. Concerned Institution for information and necessary action.


Administrative Officer,
Fee Fixation Committee,
Jammu & Kashmir,
Jammu.