

ITEM NO.3, 2, 4, 4.1,
5, 6, 8, 9, 10, 11 & 11.1

COURT NO.7

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).314/2018

(Arising out of impugned final judgment and order dated 27-12-2017 in SCA No.10035/2017 passed by the High Court Of Gujarat At Ahmedabad)

FEDERATION OF SELF FINANCE SCHOOLS & ANR.

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.2192/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.4433/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.6309/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.12322/2018-INTERVENTION/IMPLEADMENT and IA No.14745/2018-INTERVENTION/IMPLEADMENT and IA No.16500/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

With SLP(C) No.1013/2018
SLP(C) No.471/2018
SLP(C) No...../2018 Diary No.1379/2018
SLP(C) No.1001/2018
SLP(C) No.797/2018
SLP(C) Nos.2886-2893/2018
WP(C) No.63/2018
SLP(C) No.1540/2018
SLP(C) Nos.463-465/2018
SLP(C) Nos.1190-1192/2018

Date : 01-02-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. Gopal Subramaniam, Sr. Adv.
Mr. Mitul Shelat, Adv.
Mr. Bijal Chatrapati, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Ms. Devika Mohan, Adv.
Ms. Aastha Mehta, Adv.
Mr. E. C. Agrawala, AOR

Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Saket Sikri, Adv.
 Ms. Ranjeeta Rohatgi, Adv.
 Mr. Vikalp Mudgal, Adv.
 Ms. Adwaita Sharma, Adv.

Mr. Nikhil Goel, Adv.

Mr. Kapil Sibal, Sr. Adv.
 Mr. Sandeep Devashish Das, Adv.
 Mr. Nikunj Raval, Adv.
 Mrs. Kalpana Raval, Adv.
 Mrs. Anusha Nagarajan, Adv.
 Ms. Mehak Khurana, Adv.
 Mr. Ritesh Mukherjee, Adv.
 Mr. Anand Prasad, Adv.

Ms. Anannya Ghosh, Adv.

Mr. D.N. Ray, Adv.
 Mr. Lokesh K. Choudhary, Adv.
 Ms. Disha Ray, Adv.
 Mr. Dillip Kumar Nayak, Adv.
 Ms. Sumita Ray, Adv.

Mr. Vikram B. Trivedi, Adv.
 Mr. Bharat Sangal, Adv.
 Ms. Vidushi Garg, Adv.
 Ms. Anindita Deka, Adv.
 Ms. S. Spandana Reddy, Adv.
 Ms. Isha Gupta, Adv.

Mr. Santosh Kumar Rungta, Adv.
 Mr. Sumit Pargal, Adv.
 Mr. R.P. Gupta, Adv.

For Respondent(s)/
 Applicant(s)

Mr. K. K. Venugopal, Ld. AG
 Mr. Tushar Mehta, ASG
 Mr. C.A. Sundram, Sr. Adv.
 Ms. Manisha Luv Kumar, Sr. Adv.
 Mr. Preetesh Kapoor, Adv.
 Ms. Hemantika Wahi, AOR
 Ms. Mamta Singh, Adv.
 Ms. Shodhika Sharma, Adv.
 Ms. Swati Ghildiyal, Adv.
 Mr. Kanu Aggarwal, Adv.
 Ms. D. Priyanka, Adv.

Mr. Aniruddha Deshmukh, Adv.

Mr. Desh Ratan Nigam, Adv.
Mr. Vishal J. Dave, Adv.
For Mr. Awanish Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Serious grievances have been made and apprehensions have been expressed by the learned counsel appearing for the petitioners about the exercise of power under the Gujarat Self Financed Schools (Relation of Fees) Act, 2017, (hereinafter referred to as the 'Act'), which has been upheld by the impugned judgment(s) and order(s) passed by the High Court of Gujarat.

Having heard learned counsel for both sides, we consider it appropriate to pass the following orders :

The respondent-State of Gujarat shall reconstitute the Fee Fixation Committees and the Revisional Authority under the Act within a period of one week from today. The Committees shall be headed by a retired Judge of High Court. The Revisional Authority shall comprise two retired Judges of the High Court.

The respondent-State shall carry out the exercise of fixing exemption limit under Section 9 of the Act. For this purpose, they shall hear the representatives of the petitioners-schools and one representative from each of the parents' associations; one which opposes the Act and the other which supports the Act.

The respondent-State shall state the norms by which the various factors suggested by the citizens for fixing the exemption limit under Section 9 of the Act will be taken into account. After such limit is fixed, the Fee Fixation Committees shall scrutinize the proposals and the accounts submitted by the various schools

including the petitioners' schools and fix the fees. Preferably, the State Government may create the categories of fee structure along with the facilities made available by the schools for easy determination of the fees chargeable by them.

The aforesaid Committees shall provisionally intimate the school and notify the fees chargeable by the schools, on its website. The schools may within a period of 7 days of such notification may make a representation before the Committees. The Committees shall finalise the fees chargeable by the schools within a period of one week on receipt of such representations.

The exemption limit shall be fixed by the State Government within a period of four weeks.

The schools which have not submitted their proposals and accounts to the Fee Fixation Committees, shall submit the same within a period of two weeks thereafter.

The Committees shall notify provisional list within a period of two weeks upon receipt of the proposals and the accounts from the schools. The schools make make a representation in that regard within a period of one week thereafter. The final fixation of fees shall be announced by the Fee Fixation Committees within a period of four weeks' thereafter.

It is made clear that in case a Revision is filed by the schools under section 12(3) of the Act, the same shall be considered and disposed of by the Revisional Authority within a period of 30 days' thereafter.

We direct that the final fixation shall not be implemented by the State Government without further orders of this Court.

Any grievance of any party regarding the working out of this order shall be made to this Court alone in the present proceedings and not to any other court or forum.

However, in the meantime, no coercive steps under the Gujarat Self Financed Schools (Relation of Fees) Act, 2017, shall be taken by the respondent-State.

It is further made clear that this order shall not prejudice the rights and contentions of either party.

In the meantime, the schools shall declare their fee structure only on a provisional basis and shall not collect anything more than the provisional fees.

List these matters on 03.05.2018 for further hearing.

In the meantime, the respondent-state may file counter affidavit, if any.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASST.REGISTRAR