

ITEM NO.5, 5.1-5.14,11,11.1

COURT NO.7

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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)

(WITH PRAYER FOR INTERIM RELIEF 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 and IA No.20303/2018-APPROPRIATE ORDERS/DIRECTIONSIA 20303/2018 and IA No.32825/2018-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.32826/2018-EXEMPTION FROM FILING O.T. AND IAS. 46616, 46629/2018- APPLM. FOR INTERVENTION)

WITH

SLP(C) No. 471/2018 (III)

SLP(C) No. 1001/2018 (III)

SLP(C) No. 797/2018 (III)

(WITH APPLN. FOR INTERVENTION/IMPLEADMENT)

SLP(C) No. 463-465/2018 (III)

SLP(C) No. 1013/2018 (III)

SLP(C)....Diary No(s). 1379/2018 (III)

SLP(C) No. 1190-1192/2018 (III)

(WITH IA No.16396/2018-INTERVENTION/IMPLEADMENT)

SLP(C) No. 2886-2893/2018 (III)

SLP(C) No. 1540/2018 (III)

SLP(C) No. 3144/2018

(WITH PRAYER FOR INTERIM RELIEF AND EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 63/2018 (X)

C.P. © Nos. 862-864/2018 WITH SLP(C) NOS. 463-465/2018 (III)

C.P. © NO. 861/2018 IN SLPC90 NO. 314/2018 (III)

SLP(C).....D. NO. 11092/2018

SLP(C).....D. NO. 11985/2018

(WITH APPLN.(S) FOR CONDONATION OF DELAY IN FILING SLP, EXEMPTION FROM Mr. Gopal Subramaniam, Sr. Adv.FILING C/C OF THE IMPUGNED JUDGMENT AND PERMISSION TO FILE SLP)

SLP(C).....D.11723/2018

(WITH APPLN.(S) FOR PERMISSION TO FILE SLP)

Date : 25-04-2018 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. Saket Sikri, Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Sandeep Devashish Das, AOR

Ms. Kritika Agrawal, Adv.

Ms. Mehak Khurana, Adv.

Mr. Kapil Sibal, Sr. Adv.

Mr. Sandeep Devashish Das, AOR

Ms. Anusha Nagarajan, Adv.

Ms. Kritika Agrawal, Adv.

Ms. Mehak Khurana, Adv.

Ms. Anannya Ghosh, AOR

Mr. Dushyant Manocha, Adv.

Mr. D.N. Ray, Adv.

Mr. Lokesh K Choudhary, Adv.

Ms. Disha Ray, Adv.

Mr. Dillip Kumar Nayak, Adv.

Mrs. Sumita Ray, AOR

Mr. Nikhil Goel, AOR

Mr. Arvind Datar, Sr. Adv.
 Mr. Mihir Joshi, Sr. Adv.
 Mr. Mitul Joshi, Sr. Adv.
 Mr. Mitul Shelat, Adv.
 Mr. Bijal Chatrapati, Adv.
 Mr. Mahesh Agarwal, Adv.
 Mr. Abhinav Agrawal, Adv.
 Ms. Devika Mohan, Adv.
 Mr. E.C. Agrawala, Adv.
 Mr. Siddhant Buxy, Adv.

Mr. S.K. Rungta, Sr. Adv.
 Mr. R.P. Gupta, AOR

Mr. Bharat Sangal, AOR
 Ms. Ujjawal Trivedi, Adv.
 Ms. Sanaya Dadachanji, Adv.
 Ms. Babita Kushwaha, Adv.
 Ms. Vidushi Garg, Adv.

For Petitioner(s)/
 Applicant(s)

Mr. Desh Ratan Nigam, Adv.
 Mr. Awanish Sinha, AOR
 Mr. Bhavin Vyas, Adv.

For Respondent(s)

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. Shodhika Sharma, Adv.
 Ms. Vishakha, Adv.

Ms. Aishwarya Bhati, Adv.
 Mr. Aniruddha Deshmukh, AOR

Ms. Anubha Srivastava, Adv.
 Mr. Alakh Alok Srivastava, Adv.
 Ms. Harpreet Kaur, Adv.
 Dr. Kedar Nath Tripathy, Adv.

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

Having heard S/Shri Arvind Datar, Kapil Sibal,
 Mihir Joshi learned senior counsels for the
 petitioners and Shri K.K. Venugopal, learned Attorney
 General and Shri C.A. Sundaram, learned senior

counsel for the respondents, it appears that if the following features are incorporated when the Act is implemented for fixation of fees, it will meet the ends of justice:

(a) the State of Gujarat shall not question the decision of any school to provide a particular facility or things in a particular quality or standard which it considers appropriate for imparting education in its school.

The Schools shall have a right to offer such facilities as they consider appropriate for the standards of education which they profess to meet.

The Schools would be entitled to fix their fee structure to meet the cost of providing such facilities or standards.

(b) The petitioner-Schools and the State of Gujarat shall hold a meeting and determine the percentage of surplus that could be generated by the schools according to the formula/standard which will be laid up.

The schools shall be entitled to use the surplus only for the purpose of objects of the Society/Trust related to education, inclusive of expenditure for operational expansions, augmentation of facilities, expansion of infrastructure and a reasonable surplus for

establishment of a new branch or a new school.

(c) The term 'School' shall mean the educational institution, the charitable Trust or Society or company which runs the school.

The parties shall prepare a Scheme and exchange the same with the Scheme prepared by either side. They shall thereafter prepare a joint Scheme and submit the same to this Court before the next date of hearing. The State of Gujarat shall receive representations, if any, which may be submitted by the two Parent Association (petitioners in SLP(C)..D. Nos. 11985 and 11728/2018) before us.

List the matters in the second week of July, 2018.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar