

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)**

CJ Court

Case No. : WP(C) No. 1248/2025

JK Public School Humhama

..... Petitioner(s)/Appellant (s)

Through :- Mr. Salih Pirzada, Advocate
Ms. Syed Ainain Qadri, Advocate

v/s

Union Territory of J&K and others

.....Respondent(s)

Through :- Ms. Maha Majeed, Assisting Counsel

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER
24.09.2025

1. The petitioner [JK Public School, Humhama] has prayed for the following substantive reliefs:-

“I. By a writ of Certiorari:

Quash the impugned fee fixation orders issued by the Respondent-FFRC vide Order No. 96 FFRC of 2025 dated 16.01.2025 and Order No. FFRC/FF/Review/ Bud/2020/ 213/512 dated 11.02.2025 as being arbitrary and discriminatory.

II. By a writ of Mandamus:

- a) Direct the Respondent-FFRC to re-fix the fee structure of JK Public School at par with similarly placed institutions like Kashmir Valley School, Delhi Public School, Budgam and Foundation World School, Mamath, Budgam.**
b) Direct the Respondents to comply with the previous order dated 12.09.2022 passed by this Hon'ble Court and ensure equitable fee fixation within a stipulated time frame.”

2. In brief, the case set out in the petition is that the petitioner-School is a reputed private educational institution which caters to the educational needs of over 2060 students. And has thus employed nearly 200 teaching

and non-teaching staff. Over the years, the petitioner has provided high quality education, along with modern infrastructure, smart class rooms, modernized computer labs, swimming pool and other sports facilities. However, owing to an arbitrary fee fixation by Jammu and Kashmir Committee for Fixation and Regulation of Fee of Private Schools (FFRC), the petitioner has faced acute financial challenges. Even earlier, vide WP (C) No. 2617/2021 the petitioner had approached this Court to quash the order dated September 13, 2021 passed by FFRC, vide which it had fixed the fee for the session 2020-2021, 2021-2022 and 2022-2023. And, the Division Bench, vide order dated September 12, 2022 had set aside the said order and remitted the matter to the Committee for re-fixation of the fee in terms of Rule 7 of Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules, 2022, within three months. However, for the Committee, even after years had gone by, failed to implement the order passed by this Court, the petitioner was impelled to charge fee on its own which was comparatively lesser than its proposed fee structure. The petitioner continued to submit representations to the Committee to comply with the order passed by this Court for enhancement of fee. But to no avail. Thus, in the given circumstance, the petitioner was left with no choice but to apply and implement the fee structure for the Session 2023-2024 on its own.

3. Whereafter, vide another representation dated April 18, 2024, the Committee was again requested to provide the fee structure for the upcoming Session, but after waiting for over seven months and with no response from the Committee, the petitioner submitted the fee structure

even for the Session 2024-2025. Whereupon, vide order dated January 16, 2025, the Committee approved the fee structure of the petitioner-School from the Session 2023-2024 and the two subsequent sessions.

4. Learned counsel for the petitioner submits that in essence, the grievance of the petitioner is that despite having better infrastructure and a larger student base as compared to the other regional private schools, the petitioner is forced to function on a significantly lower fee. Thus, in the given circumstances and particularly for the order dated September 12, 2022 (ibid) was not being adhered to, the petitioner sought review of the order dated January 16, 2025. Upon which the Committee by way of an interim arrangement required the petitioner to follow the fee structure for the Session 2024-2025 as indicated in its order dated February 11, 2025:

“Till the review application is considered & decided, the following Fee Structure should be charged by the School for the session 2024-25:

Fee Head	Nursery – 3 rd	4 th – 7 th	8 th – 10 th
Tuition Fee	1900	2070	2330
Annual Fee	As per the approved order of FFRC vide No. 96 FFRC of 2025 dated : 16-01-2025		

This is subject to decision in the review application. In case the review is allowed any enhancement made in Fee Structure should be paid by the students. If the review is declined, then excess fee charged by the School shall be refunded or adjusted in future Fee. The Copy of Hon’ble High Court is enclosed for ready reference.

This is Interim arrangement.”

He asserts that apparently the interim approved fee structure is detrimental to the financial stability of the petitioner. And even though the order dated February 11, 2025 (ibid) was objected to, the matter continues to remain pending, and with each passing day, the rights/interests of the petitioner are severely impaired.

5. Per contra, learned counsel for respondent No.2 submits that even though a formal response to the petition has been filed on behalf of respondent No.2 but since the Committee is still in seisin of the review application submitted by the petitioner, it would rather be expedient if the petition is disposed of at this stage to enable the Committee to consider and decide the same and pass necessary orders.
6. Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents. However, he submits that a considerable time has already elapsed post filing the review application and no date of hearing has been notified by the Committee either. Therefore, respondent No. 02 be directed to decide the review application within a specified time. He submits that petitioner shall render every possible cooperation to the Committee to facilitate the process to avert any further delay.
7. To this, learned counsel for the respondents submits that the Committee shall take up the matter and proceed to decide the same at the earliest. As regards the prayer of the petitioner that in the meanwhile operation of the impugned fee fixation order, issued by the Committee, be stayed, he submits that the petitioner shall be at liberty to make an appropriate prayer even in this regard before the Committee itself.
8. In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is, accordingly, **disposed of**. The Committee is requested to take up the pending review applications, as per its convenience but to secure the rights/interests of both the parties, the same be considered and dealt with

at the earliest. And as submitted by learned counsel for the respondents, in the event the petitioner moves the Committee as regards any interim relief, that too shall be considered and an appropriate order in accordance with law shall be passed.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU :
24.09.2025
Pawan Chopra

Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No

