SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS/1987/2023 Education Welfare Society Haldwani ...Petitioner **Versus** State Of Uttarakhand ...Respondent **Hon'ble Manoj Kumar Tiwari, J** 1. Mr. Arvind Vashisth, learned Senior Counsel assisted by Ms. Deyanshi Joshi, learned counsel for the petitioner. 2. Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand. 3. Petitioner claims to be President of Education Welfare Society, Haldwani. He has challenged the order dated 13.12.2022 issued by Secretary, Education, Government of Uttarakhand, whereby amount payable as compensation for students belonging to Economically Weaker Sections, who are to be given free education under Right to Education Act, was determined. 4. It is contended that the determination made by Government Order dated 13.12.2022 is not as per Rule 13 of Uttarakhand Right of Children to Free and Compulsory Education Rules, 2011. 5. Learned State Counsel, however, raised the question of *locus* and maintainability of writ petition by contending that though petitioner claims to be representing the association of all private schools, within the State, but neither list of Members is enclosed with the writ petition nor any resolution authorising petitioner to file writ petition on behalf of all private schools is brought on record. Learned State Counsel further submits that as per

Government Order dated 13.12.2022, the amount payable as fee to private schools for students, who are to be given free education, was enhanced from ₹1,383/- to ₹1,893/-. He submits that challenge by petitioner to upward revision of fee is without any substance, especially when he did not challenge the earlier determination.

6. This Court finds substance in the submission made by learned State Counsel. Since there is no resolution passed by General Body of the Association, which petitioner claims to be representing, authorising him to file this writ petition, the standing of the petitioner to raise the issue on behalf of association of private schools becomes doubtful.

7. Even otherwise also, State Government has taken a decision to make upward revision of fee payable to private schools *qua* students who are to be given free education under Right to Education Act, therefore, this Court finds substance in the contention raised by learned State Counsel that the challenge thrown by petitioner is without any substance, when earlier determination was not challenged.

8. However, having regard to the facts and circumstances of the case, the writ petition is disposed of with liberty to management of individual private school(s) to make representation(s) to the State Government, if it is dissatisfied with the fee revised by Government vide order dated 13.12.2022. It shall be open to the members of schools to raise all contentions before the Competent Authority.

(Manoj Kumar Tiwari, J)
18.08.2026

Aswal

