



2026:AHC-LKO:11331-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 853 of 2023

Lokesh Kumar Khurana

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Secondary Education Civil Sect. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Moti Lal Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard.

2. This PIL was filed in the year 2023, seeking the following reliefs:-

"(i). issue a writ, order or direction in the nature of Mandamus directing the opposite parties/competent respondents to ensure that no Management or officer of the Educational Institution in the State of U.P. shall realise any money by way of Daan or Contribution or by any other name from students and/or their parents in the guise of Parent Teacher Association and if found doing so, suitable and stern action be also taken;

(ii), issue a writ, order or direction in the nature of Mandamus directing opposite party no. 1 to ensure the implementation of Section 7(Ga) of U.P. Intermediate Education Act, 1921 as well as Parent-Teachers Association Regulation 1986 in the entire State of Uttar Pradesh,

(ii). Such other suitable writ, order or direction as the Hon'ble Court may deem just and proper may also be kindly passed in the facts and circumstances of the case and in the interest of justice;

(iv). Allow the WPIL with costs against opposite parties."

3. Section 7 (c) and (d) of The U.P. Intermediate Education Act, 1921 (hereafter referred to as the 'Act of 1921') reads as under:

"7-C Bar of charging any donation for admission to an institution - No person

connected with the management of an institution and no Head of the institution or teacher or any other employee there of shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees, or any other payment of any sort, either in cash or in kind, except the fees at the rates specified in any order issued by the State Government in this behalf, from or on behalf of any student [as a condition for granting him admission to such institution.]

7-D Penalty for contravention of section 7-B or section 7-C - *Whoever contravenes the provisions of section 7-B or section 7-C, shall be punishable with imprisonment for a term which may extend to three years and also with fine which shall not be less than one thousand rupees and if the person so contravening is a society or any association of persons every member of such society or association who knowingly and willingly authorizes or permits such contravention, shall be so punishable."*

4. At this stage, learned Additional C.S.C. informs the Court that there is a District Fee Regulatory Committee headed by the District Magistrate under The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) Act, 2018 (hereinafter referred to as the 'Act of 2018').

5. The Act of 2018 is applicable to self-financed independent schools of pre-primary, primary, upper primary, high school and intermediate colleges granted recognition/affiliation by boards defined under clause (d), as mentioned in Section 1(3) thereof.

6. Learned Additional C.S.C. invited our attention to Section 8 of the Act of 2018, especially sub-section(4) which reads as under:

"8 (4) The District Fee Regulatory Committee shall have power to:-

(a) take decisions on proposals received from the management committee regarding the proposed fee increase beyond the permitted fee increase under sub-section (1) of section 4;

(b) hear complaint of a student or guardian or parent teacher association of such School whose complaint remains unheard by the Head of the School within fifteen working days under this Act:-

(i) made for fee being charged in excess of the fee intimated to the appropriate authority under section-4;

(ii) made for capitation fee being charged;

- (iii) made for revision of fee during ensuing academic year; and*
- (iv) made for increase in fee more than the permitted fee increase without obtaining approval of the appropriate authority;*
- (v) made for compulsion to purchase books, shoes, socks and uniform etc. from a particular shop;*
- (vi) change of school dress within five years, without prior approval of District fee regulatory committee;*
- (vii) made for not making disclosure as provided under section-7;*
- (viii) made for non refunding of security money/caution money after violation of provision made in clause (c) of sub-section-3 of section-3;*
- (ix) made for violation of section-6."*

7. We are of the opinion that as and when specific instance of misuse of power and of having acted in violation of Section 7(Ga) of the Act of 1921 and also the Parent-Teachers Association Regulation, 1986 or the Act, 1986, if it is applicable, comes to the notice of the petitioner or any other member of the public, he can approach the District Inspector of Schools/District Fee Regulatory Committee, as the case may be, informing about the same, whereupon the District Inspector of Schools/District Fee Regulatory Committee concerned shall be obliged to enquire and take such action, as may be permissible in law. If they do not have authority to-do-so then they shall forward the matter to the competent authority for the said purpose.

8. If nothing happens, such person can also approach the Head of the Department of Secondary and Basic Education, U.P., who shall be obliged to ensure appropriate action as per law, if there is a cause.

9. *Disposed of.*

(Abdresh Kumar Chaudhary,J.) (Rajan Roy,J.)

February 12, 2026

MVS/-