

No.GS(UNIV-III)30-6/2021-266
**GOVERNOR'S SECRETARIAT
PUNJAB**

Dated Lahore, the 21st March, 2024

Subject:- **FEE WAIVER FOR EISA AHAD CHEEMA AND MUSTAFA AHAD
CHEEMA**

I am directed to forward herewith a copy of order dated 21.03.2024 passed by the Hon'ble Governor / President, Board of Governors, Aitchison College, Lahore, on the subject cited representation for information and further necessary action.

(GHULAM HUSSAIN)
SECTION OFFICER (UNIV-III)
Section Officer (Universities-III)
Governor's Secretariat Punjab
Lahore

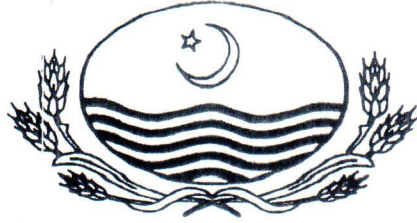
Mrs. Saima Ahad Cheema,
Mother of Mustafa Ahad Cheema & Eisa Ahad Cheema (Students),
35 Ministers Enclave,
Islamabad.
0336-0014704

No. & Date Even

Copy of the Governor's Order is forwarded for information and necessary action to:

- **Principal,**
Aitchison College,
Lahore.

(GHULAM HUSSAIN)
SECTION OFFICER (UNIV-III)
Section Officer (Universities-III)
Governor's Secretariat Punjab
Lahore



GOVERNOR PUNJAB

ORDER


No. GS(UNIV-II)30-6/2021-266

WHEREAS, two representations were made before me in my capacity as the President, Board of Governors, Aitchison College, Lahore (BoG), dated 04.10.2022 (followed by a reminder dated 01.06.2023) and dated 17.08.2023, whereby, Ms. Saima Ahad, mother of Eisa Ahad Cheema (K4-20243) and Mustafa Ahad Cheema (K2-220779) requested that the decision of the Principal, Aitchison College (the College), Lahore, concerning the reservation of seats and leave of absence granted to both her children be reviewed, and that the condition that the tuition fee of both students shall be paid, in full, for the period of their absence be done away with, as a matter of policy, and not a personal relief.

2. **AND WHEREAS**, Ms. Saima, vide these representations, pleaded that she had requested the Principal of the College, repeatedly, through letters and emails, to reconsider his aforesaid decision. She had been requesting this on the ground that she, being a civil servant in the employ of the Government of Pakistan, had to relocate to Islamabad upon her transfer from Lahore to Islamabad. Moreover, she submitted that being a salaried individual with limited resources, she could not afford to pay tuition fee for her two sons to two different schools, including the College, and the school in Islamabad, where her children would be admitted.

3. **AND WHEREAS**, the matter was referred to the College authorities on 04.10.2022, for an appropriate decision, The Executive Committee of the BoG, in its meeting held on 11.11.2022 deliberated upon the matter and supported the decision of the Principal on the grounds of loss of income to the College. Despite the fact the matter was under deliberation by the BoG, which was the highest decision- and policy-making forum regarding the matters pertaining to the College, on 14.11.2022, the College authorities handed down a decision for permanent withdrawal of Eisa Ahad Cheema (K4-20243) on account of non-payment of dues. MAB

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Section Officer (Universities-III)
Governor's Secretariat Punjab
Lahore



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4. **AND WHEREAS**, the abovementioned issue was placed before the BoG, in its meeting held on 01.12.2022, and after detailed discussion on various aspects, the members *unanimously* supported the idea of extension of this facility to students of Junior and Prep Schools. The Chair advised the Management Committee to recommend modalities as to how to implement the BoG's decision and approval *in principle*, and submit the proposed policy to the Board, for its consideration, in its next meeting.

5. **AND WHEREAS**, the Management Committee accordingly deliberated upon the matter on 14.12.2022, but failed to reach at a conclusive decision; it resolved to resume the discussion again in its next meeting.

6. **AND WHEREAS**, the Management Committee took up this matter again in its meeting held on 13.02.2023; but yet again, with an indeterminate conclusion, and decided that the matter be put up for discussion and appropriate decision by the BoG in its next meeting.

7. **AND WHEREAS**, the fact being established that the Management Committee, despite holding numerous meetings and detailed deliberations, was unable to formulate a policy and modalities for a decision-in-principle on a given matter, despite the lapse of approximately two years.

8. **AND WHEREAS**, in order to provide relief *ad interim* to the representationist, I, as the President of the BoG, passed an order on 09.06.2023, whereby, the Principal of the College was directed not to take any adverse action, and not to proceed further with any matter concerning the conditional leave of absence / fee waivers of students, including the two boys of Ms. Saima, since the policy that was to apply on these cases was yet under review of the Board. The order issued by my office, dated 09.06.2023, further stated that no decision was to be taken till the final outcome of the Board's deliberations, and that any action taken in the past in such cases, including the boys of Ms. Saima, after she had sought a review and reconsideration of the policy were to be held in abeyance.

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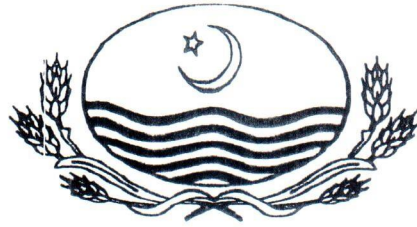


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9. **AND WHEREAS**, vide letter dated 17.08.2023, Ms. Saima stated that her younger son, namely, Mustafa Ahad Cheema (K2-220779), had also been withdrawn from the College, vide letter dated 10.08.2023, issued by the Principal of the College, for non-payment of dues; she maintained that this was in disregard of the orders issued by my office, vide letter dated 09.06.2023, referred to above.

10. **AND WHEREAS**, in view of the facts narrated above, on the letter / representation by Ms. Saima dated 17.08.2023, and by virtue of the powers vested in my office under section 5 (3) of the Punjab Educational Institutions (Reconstitution) Act, 2021, the Principal of the College was directed, vide letter dated 01.12.2023, to submit complete record of the matter concerning conditional leave of absence / fee waiver and withdrawal of Eisa Ahad Cheema (K4-20243) and Mustafa Ahad Cheema (K2-220779), for my perusal, consideration and passage of orders. However, the Principal of the College, vide letter dated 04.12.2023, refused to provide the record to my office, *prima facie*, in violation of the law of the land and his statutory obligation, provided in straight and clear words.

11. **AND WHEREAS**, one of an eminent members of the BoG, in his letter addressed to me, dated 26.01.2024, expressed grave concerns at the confrontational approach adopted by the Principal of the College, and his blatant refusal to comply with the lawful orders of President of the BoG under the governing statute; he was also seriously upset about the Principal's upfront disregard to the law of the land. He requested that an extraordinary meeting of the Board be summoned and that the matter be placed before the BoG for deliberation and appropriate decision, as deemed fit. Accordingly, an extraordinary meeting of the BoG was called on 16.02.2024 in my office. In the meeting, which the Principal chose not to attend, all the BoG members, except one, expressed their disbelief and anxiety as to the Principal's refusal to comply with an order, which was passed by an authority under an express provision of law. The BoG, having discussed the Principal's response, and in respect to the principle of *audi alteram partem*, decided that a Hearing Committee, comprising three members of the BoG be constituted to afford a



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personal hearing to the Principal, record his viewpoint and present to the BoG, for further consideration and decision.

12. **AND WHEREAS** the Hearing Committee afforded an opportunity of personal hearing to the Principal of the College, on behalf of the BoG, on 26.02.2024, and heard and recorded his stance. The minutes of the hearing proceedings were recorded and the same were presented to me for my consideration. In order to put up these minutes and record of hearing proceedings before the BoG, for its consideration and appropriate decision, an extraordinary meeting was summoned on 05.03.2024.

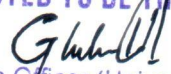
13. **AND WHEREAS**, a day prior to the scheduled meeting of the BoG, i.e. on 04.03.2024, whereby the Principal's stance was to be considered *qua* his letter dated 04.12.2023, which conveyed his refusal to provide record under section 5 (3) of the Punjab Educational Institutions (Reconstitution) Act, 2021, he, vide letter dated 03.03.2024, sent the complete record of the matter under consideration, in terms of the aforementioned provision of the law.

14. **AND WHEREAS**, the BoG meeting, scheduled for 05.03.2024, was postponed by my office for a later date owing to the office's engagements because of an expected administration of oath ceremony to the members of the provincial cabinet of the Punjab on the same day; and the matter of Principal's response, appropriate or otherwise, to a statutory order by my office remains pending as yet.

15. **AND WHEREAS**, while as and when the BoG convenes and forms an opinion about appropriateness and lawfulness of the Principal's response to a statutory order issued lawfully by my office, I have decided to proceed with the matter before me that I took cognizance of under section 5 (3) of the Punjab Educational Institutions (Reconstitution) Act, 2021; and determine the matter once and for all, as provided by the law. As a matter of fairness, diligence and equity, a notice for hearing of the representationist, Ms. Saima, was issued on 11.03.2022, whereby she was required to appear before me, on 16.03.2024.

MBR

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Section Officer (Universities-III)
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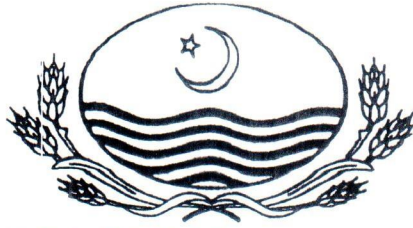


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16. **AND WHEREAS**, Ms. Saima appeared before me on 16.03.2024, and while reiterating her earlier stance, stated that she was a civil servant who had been transferred from Lahore to Islamabad in June 2022, and that since both her children were minors, she could not have left them unsupervised in Lahore, and she applied for reservation of seats and leave of absence for both of them. However, she was later informed by the Principal of the College that while the leave of absence had been accepted for both her sons, but she would have to pay complete tuition fee during the duration of their absence. In this respect, Ms. Saima submitted that being a civil servant and a salaried individual, she could not afford to pay tuition fees to two schools, in Lahore and in Islamabad; and that it was unreasonable to press her to do so. She repeatedly requested the Principal to reconsider the policy concerning payment of complete tuition fee for students who had been granted leave of absence, at least for a certain period of time, especially in cases where the students' parents has to relocate, due to emergencies, an unforeseen exigency or their personal and professional commitments, beyond their control. In this respect, Ms. Saima further stated that the orders of withdrawal, of her sons from the College, were passed in an unlawful and arbitrary manner, in violation of the rights of her children, in complete disregard of the orders issued by my office regarding relief *ad interim*.

17. **AND WHEREAS**, upon perusal of the record provided by the Principal, various representations made by Ms. Saima, report of the Hearing Committee, and having heard Ms. Saima, in exercise of the powers vested in me under section 5 (3) of the Punjab Educational Institutions (Reconstitution) Act, 2021, as the Governor of the Punjab / President of the BoG, I have made the following determinations:

- a. The circumstances of a parent's relocation outside of Lahore need to be duly considered, ideally on a case-to-case basis. If a parent, or parents, are compelled to move out of station, for reasons beyond her / their control, because of personal or professional commitments, there is no reason to cause financial detriment to her / them by collecting tuition fee for a school, which their children are not attending for the time being. Imposing condition of



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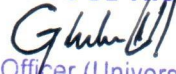
payment of 100% of tuition fee during leave of absence seems unfair and contrary to principles of equity and propriety.

- b. It was reported to the BoG that the College receives some 20 applications per annum for leave of absence by various students. In a school having a 3000-strong student body, allowing leave of absence to such a small number of students, without any fee, does not lead to any substantial financial loss to the institution.
- c. The College admits any students as per its merits policy. The parents of these students come from various and disparate social and professional backgrounds; and as such, not all the parents have the financial capacity to pay fees to two schools at the same time, in case they seek a leave of absence for their child. It is therefore rightful and reasonable for a parent to ask for the full tuition fee waiver in case she has to move out of town and relocate elsewhere.
- d. Albeit the Executive Committee could not come up with a policy or practical modalities as to how and how much to grant tuition fee waivers to students during the leave of absence, it is a matter of record that the BoG consensually and unanimously agreed to the notion of fee waivers to students who had to temporarily move to some other place under compelling / unavoidable circumstances.

18. **NOW, THEREFORE**, in view of the aforestated reasons and grounds, I hereby accept the representations filed by Ms. Saima for grant of leave of absence to Eisa Ahad Cheema (K4-20243) and Mustafa Ahad Cheema (K2-220779) with a complete fee waiver, for a period of three years, with effect from 18.08.2022, or when they rejoin the Aitchison College, Lahore, whichever is earlier. Consequently, therefore, the withdrawal orders passed by the Principal, dated 14.11.2022 and 10.08.2023, in cases of Eisa Ahad Cheema (K4-20243) and Mustafa Ahad Cheema (K2-220779), respectively, are set-aside *ab initio*.

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19. In addition, as a matter of policy, all applications made to the Principal of the College, or the College, for grant of leave of absence to students, on account of any emergency, exigency, professional or personal commitments of either of the parents of a student shall be received, processed and granted a complete fee waiver, for a maximum period of three years.

20. Further necessary action may be taken accordingly.

21. This is an order issued under section 5(3) of the Punjab Educational Institutions (Reconstitution) Act, 2021; printed on five (6) pages; each initialed, and this page, signed.



**GOVERNOR / PRESIDENT,
BOARD OF GOVERNORS,
AITCHISON COLLEGE,
LAHORE**

Lahore 21 MAR 2024

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Ghulam

Section Officer (Universities-III)
Governor's Secretariat Punjab
Lahore