

06.08.2021
KC(1-15)

W.P.A.(P) 162 of 2021
Rajib Chakraborty and Ors.
-versus-
The State of West Bengal and Ors.

With
CAN 1 of 2021
With
CPAN 469 of 2021
With
CPAN 473 of 2021
With
CPAN 411 of 2021
With
CPAN 412 of 2021
With
CPAN 413 of 2021
With
CPAN 414 of 2021
With
CPAN 723 of 2020
Vineet Ruia

-versus-
Principal Secretary, Department of
School Education and Ors.

With
CAN 1 of 2021
With
CAN 2 of 2021
With
CAN 3 of 2021
With
WPA 5378 of 2020
Pratyush Patwari

-versus-
State of West Bengal and Anr.
With
CAN 2 of 2020 (Old CAN No. 3697 of 2020)
With
CAN 3 of 2020 (Old CAN No. 3698 of 2020)
With
WPA 5400 of 2020
Raja Satyajit Banerjee

-versus-
State of West Bengal and Ors.

With
WPA 5530 of 2020
Biplab kr. Chowdhury
VS
Union of India & ors.
With
CAN 1 of 2020(Old No:CAN 3252 of 2020)
With

WPA 5872 of 2020
 Santosh Kumar Yadav
 VS
 Union Of India & Ors
 With
 CAN 1 of 2020(Old No:CAN 3956 of 2020)
 With
 CPAN 131 of 2021
 With
 CAN 1 of 2021
 With
 WPA 5890 of 2020
 Vineet Ruia
 VS
 Principal secretary,
 Department of school,
 Bikash Bhavan & Ors.
 With
 CAN 17 of 2020
 With
 CAN 32 of 2020
 With
 CPAN 410 of 2021

(Via Video Conference)

Mr. Sai Deepak,
 Mr. Dhilan Sengupta,
 Ms. Priyanka Agarwal,
 Mr. Rishab Kumar Singh,
 Mr. Anurag Mitra.....For the petitioners in
 W.P.A.(P) 162 of 2021.

Mr. Pratyush Patwari.....For the petitioner in
 W.P.A. 5378 of 2020.

Mr. Y.J. Dastoor,
 Mr. Siddhartha Lahiri.....For Union of India.

Mr. Sayan Sinha.....For the State.

Mr. U.S. Menon,
 Mr. |Abhirup Chakraborty.....For C.B.S.E. Board.

Mr. Jishnu Chowdhury,
 Mr. Durgadas Banerjee,
 Mr. S.P. Tewary,
 Mr. Partha Banerjee,
 Mr. Abhijit Tewari,
 Ms. Paramita Banerjee.....For Disari Public School.

Mr. Abhrajit Mitra,
 Mr. Nikunj Berlia,

Mr. Shoumendu Mukherjee,
Mr. Kunal Chatterjee.....For the Association of ICSE
Schools, West Bengal Chapter.

Mr. S.N. Mookerjee,
Mr. Samapriya Chowdhury,
Mr. Deepan Kumar Sarkar,
Mr. Dinabandhu Dan,
Mr. Santanu chatterjee,
Mr. Dipayan Dan.....For Delhi Public School,
Ruby Park.

Mr. Sabyasachi Chowdhury,
Mr. Rajarshi Dutta,
Mr. V.V.V. Sastry,
Mr. Tridib Bose,
Ms. Shivika Tiwari,
Mr. Debajyoti Saha.....For Ashok Hall Group of
Schools and Ballygunge .
Siksha Sadan.

Mr. Nabankur Pal,
Ms. Surabhi Gularia..... For Delhi Public School,
Siliguri.

Ms. Surabhi Gularia..... For Delhi Public School,
Durgapur and DAV Group of Schools.

Mr. Abdur Raquib..... For Delhi Public School,
Joka.

Mr. Vipul Kundalia,
Mr. Kushagra Shah..... For Delhi Public School,
New Town.

Mr. Partha Sarathi Bhattacharya,
Mr. Raju Bhattacharya.....For the Principal,
St. Joseph College.

Ms. Amrita Pandey,
Ms. Anamika Pandey.....For the Assembly of
God Church School.

Ms. Kabita Mukherjee,
Mr. Manas Dasgupta.....For Agrasain Balika Siksha
Sadan and Boys' School.

Mr. Satarup Bhattacharya,
Mr. Saptarshi Dutta.....For South City International
School.

Mr. Ananda Basu,
Mr. Emon Bhattacharya,

- Ms. Pooja Shah.....For St. Hellen School,
Howrah.
- Mr. Pinaki Dhole.....For Hariyana Vidya Mandir.
- Mr. Ayan Chakraborty.....For Adamas International
School.
- Mr. Tanvi Luhariwala.....For Adamas School Parents'
Forum.
- Mr. Arnab Chakraborty.....For Well and Gold Smith
School.
- Mr. Sandip Kumar Dey,
Mr. Abhijit Sarkar.....For Calcutta Girls' High
School.
- Mr. Arindam Banerjee,
Mr. Deepan Kumar Sarkar,
Mr. Sourav Bhagat,
Ms. Shruti Swaika,
Ms. Prajata Kishore Chakraborty.....For South Point
School and M.P. Birla Foundation.
- Mr. Arijit Bardhan,
Mr. Soumyajit Mishra.....For Don Bosco School,
Park Circus.
- Ms. Chama Mookerji,
Mr. Anujit Mookerji,
Ms. Rinky Shaw.....For Calcutta Boys School,
Julien Day School.
- Mr. Partha Banerjee,
Mr. Arun Kumar Mandal.....For Heritage School.
- Ms. Ameena Kabir.....For Frank Anthony Public
School.
- Mr. Arun Alo Roy,
Mr. Sugato Roy.....For Mahadevi Birla World
Academy and Birla Bharati.
- Mr. Sankalp Narain,
Mr. Paritosh Sinha,
Mr. B.P. Tiwari,
Mr. Amitava Mitra,
Mr. Jishnujit Roy,
Ms. Sayani Bhattacharya.....For La Martiniere and
C.N.I. Group of Schools.
- Mr. Ashoke Kumar Roy,
Mr. Ashim Kumar Roy.....For Bharitiya Vidya

Bhavan, Kolkata.

Ms. Lopita Banerjee,
Ms. Arijita Ghosh,
Mr. Souma Sil,
Mr. Lordly Guha.....For New Town School.

Mr. Sanjay Kumar Baid,
Ms. Nupur Jalan.....For Don Bosco, Liluah,
Holy Family Convent, P.B. Academy,
SreeJain Vidya Mandir, Well and
Gould Smith School, Kolkata, Patuli,
St. Aloysius Orphanage and Day School,
St. Mary's Convent School, Santragachi.

Mr. Raj Mohan Chatteraj,
Mr. Sankar Prasad Dalapati.....For Swabhumi
Foundation, G.D. Goenka
Public School, Indira Gandhi
Memorial High School,
Dum Dum and Barasat.

Mr. Meghajit Mukherjee.....For Sri Sri Academy.

Mr. Sandip Kumar De,
Mr. Abhijit Sarkar,
Mr. Abhik Chitta Kundu.....For Calcutta Girls' High
School.

Mr. Santosh Kumar Ray,
Ms. Rituparna Sanyal.....For Srihari Global
School, Asansol.

From March, 2020, the Covid-19 pandemic has caused a great economic downturn in our country as elsewhere in the world. Most people have suffered or apprehend loss of income.

Parents and guardians of students studying in schools, colleges and other educational institutions were finding it difficult to meet the educational expenses.

In this background, this public interest litigation was instituted in this court seeking orders, inter alia, for remission of school fees. This remission was sought to be justified not only on the ground of lack of economic resources of the parents and guardians but also because education was being imparted online.

This court by its order dated 13th October, 2020 had tried to balance the economic resources of the parents and guardians of the students against the requirement of funds by the teaching institutions to maintain their infrastructure, services and facilities. It had set norms for payment of school fees detailed in that order, remitting a significant part of it in the extraordinary situation.

We are sad and annoyed to know that although the economic situation is much better now than in 2020 and that most persons have learnt how to adjust their lives to the prevailing Covid-19 pandemic, quite a significant number of parents and guardians of the students of various schools and other teaching institutions have taken advantage of this order by not paying the school fees at all.

If we take into account all the teaching institutions before us, the total amount of unpaid school fees runs into several crores of rupees.

We are also told that quite a number of defaulting parents are government servants who have suffered no

loss of pay during this pandemic. It is also submitted that a substantial number of parents and guardians have the ability to pay the school fees but are deliberately not paying the dues of the teaching institutions.

The teaching institutions are finding it very hard to maintain themselves. They have to make payment of salaries of the teaching and non-teaching staff, incur expenses for maintenance of infrastructure and also incur other expenses to keep the institution functional.

At this point of time there is need to balance the need of the teaching institutions against the need of the students. The innocent students, we feel, should not be made to suffer for their errant parents and guardians. At the same time, the economic loss of the teaching institutions should also not be ignored.

Keeping all these factors in mind we pass the following order:

(i) Each of the schools and other teaching institutions covered by this public interest litigation shall within a week from date send to each defaulting parent or guardian the outstanding as of date from March, 2020 in terms of the order of this court dated 13th October, 2020 read with the subsequent orders.

(ii) Within three weeks from date at least 50% (fifty per cent) of the claimed amount should be paid, irrespective of any dispute with regard to the claim of

the school. Any dispute regarding the claimed amount is to be resolved later.

(iii) If on the returnable date of this application there is any default this court will consider the following courses open to it:

(a) Permit the schools and teaching institutions to suspend the instruction to the students in all forms, on line and physical.

(b) Remove the name of the students from the roll of the school without further notice.

(c) For those students who have taken the school final or higher secondary examination and qualified, a direction is to be made to the respective Boards to suspend their qualification and certificates till the school fees are paid.

We expect that reason will prevail with the defaulting parents and guardians and the default in payment of the remitted school fees in terms of our earlier order shall be cured before the returnable date.

All affidavits in opposition filed in court today are taken on record. Affidavits in reply may be filed before the returnable date.

List these applications along with the contempt applications, the details of which may be furnished to our officers by learned counsel for the parties present in Court, on 2nd September, 2021.

In the meantime, our earlier interim order will continue.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)