

10.09.2021
KC(1-24)

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

Mr. Pratyush Patwari..... Petitioner (in person) 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. S.P. Tewary,
Mr. Durgadas Banerjee,
Mr. Partha Banerjee,
Mr. Abhijit Tewari,
Ms. Paramita Banerjee.....For Disari Public School.

Mr. Abhrajit Mitra,
Mr. Kunal Chatterjee
Mr. Nikunj Berlia,

Mr. Shoumendu Mukherjee.....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. Nischay Mall,
Ms. Shivika Tiwari,
Mr. Debajyoti Saha.....For Ashok Hall Group of
Schools and Ballygunge
Siksha Sadan.

Mr. Nabankur Pal,
Md. Apzal Ansari,
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, South Point High School,
Birla High School and
Sri Sikshayatan School.
- 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. Swagato 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. Anara Chowdhury
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,
Mr. Sourav Mondal.....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.

Mr. Sarajit Sen,
Mr. Tapas Singha Roy.....For Delhi Public School,
Asansol.

Mr. Aniruddha Mitra,
Mr. Ayan Chakraborty.....For Adamas World School.

Mr. Subir Pal..... For St. Paul's Academy.

Mr. Ratnanko Banerjee,
Mr. Priyankar Saha,
Mr. Aasish Chowdhury,
Mr. Aindrila Basu.....For the respondent in
W.P.A.(P) 162/2021.

Mr. Joydeep Kar,
Mr. Billwadal Bhattacharya,
Mr. Anish Kumar Mukherjee,
Mr. Amrit Sinha.....For the respondent.

Mr. Indrajit Kundu.....For the petitioners in
CPAN 562, 563, 569,574,
642,151 and 178 of 2021.

After hearing learned counsel for the appearing parties we make a further interim order in modification of our earlier order dated 6th August, 2021 as follows:

(a) For the time being, the schools and other teaching institutions, can only claim in their bill for outstanding fees, the amount of fees calculated in terms of the order of this bench dated 13th October, 2020 and chargeable on that date.

(b) If a bill has been raised by any school or teaching institution in derogation of that order, that school or teaching institution will prepare and serve a revised bill in terms of that order from March, 2020 till 6th august, 2021 by 17th September, 2021.

(c) In respect of bills which have been prepared and served in terms of the order dated 13th October, 2020, the parents and guardians of the students shall pay 75% less any amount already paid in terms of our order dated 6th August, 2021, by 30th September, 2021.

(d) In respect of bills, which were not raised according to the order dated 13th August, 2020 and sent further to this order, 50% should be paid by 30th September, 2021 and the balance 25% within two weeks thereafter.

On the next occasion, this batch of applications shall be dealt with school wise. Each school is to prepare an affidavit showing default in payment of fees, payments received and the proposed steps to be taken by it in terms of our order. Each concerned parent/guardian in relation to that school may also prepare and file a counter affidavit.

We make it clear that this exercise is only for realisation of the indisputable quantum of fees.

We have been made aware of certain disputes with regard to the right of the schools and teaching institutions to increase their fees subsequent to the order dated 13th October, 2020, the issues arising out of the allegation that certain schools are trying to circumvent the order by adding excessive amounts as charges for non-existing or non-availed of facilities and services and a counter allegation by the school authorities that some guardians/parents of the students are trying to use the orders of this court to evade payment of legitimate fees. Those questions are kept open to be decided after realisation of the fees in terms of our direction above.

We make it absolutely clear that it is the duty of every parent or guardian to pay the entire school fees of his or her ward and that this order is out of sympathy for those who could not afford to pay the school fees after onset of the pandemic caused by the Covid-19

virus. This order is not to be construed as a whole-scale remission of school fees for each and every guardian/parent.

We also make it plain that this order will not prevent any school from charging and collecting enhanced fees, if willingly paid by the students.

The order dated 6th August, 2021 is modified to the above extent only.

List this application along with all connected applications and contempt applications on 1st October, 2021 at 2.00 P.M.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)