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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 20th April, 2020
+ **W.P. (C) 2977/2020 & CM Nos. 10327-28/2020**

RAJAT VATS Petitioner

Through: Petitioner in person. (M:
9911036464)

versus

GOVT. OF NCT OF DELHI & ANR Respondents

Through: Mr. Ramesh Singh, Standing Counsel,
GNCTD

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been held by way of a video-conference.
2. The Petitioner, who is a practising lawyer, has filed the present petition seeking the following prayers.

“A) Issue a Writ of Mandamus or any other appropriate Writ levied under Constitution of India directing respondents to give relaxation or suspend fees of Private Schools of any nature in the State of NCT of Delhi in terms of transportation or other charges except tuition fees for the month of April, May and June 2020 on account of the COVID 19 pandemic which has affected the entire world.

B) pass such further or other orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

3. It is submitted by the Petitioner that during the lock-down period students of various private schools in Delhi ought not to be made to pay the transport charges, fee for extra-curricular activities and other fees which are

charged by the school. He submits that since schools are not functioning, payment of tuition fee be also postponed.

4. Mr. Ramesh Singh, Id. counsel for the Govt. of NCT of Delhi submits that the Government is fully conscious of the issues raised by the Petitioner in the present petition. On 17th April, 2020 the Directorate of Education has already passed an order to the effect that no fees except tuition fee be charged. Various directions issued in the said order are relied upon to submit that the government is fully conscious of such students who may have financial difficulties and course material and classes have been made available even to them.

5. Mr. Vats submits that a number of parents have deposited extra fee, apart from the tuition fee, in advance. The adjustment of the same ought to be granted. Mr. Ramesh Singh, Id. counsel submits that the Government would consider this submission on its own and no directions need be passed.

6. Heard Id. Counsels for the parties. The order dated 17th April, 2020 passed by the Directorate of Education, provides as under:

“i. No fee, except Tuition fee, shall be charged from the parents, till further orders.

ii. Heads of the schools shall not demand and collect the Tuition fee from the parents/students on quarterly basis. The fee shall be collected on monthly basis only.

iii. Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.

iv. The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the Tuition fee on the basis of

last fee structure approved by Director (Education) or as per fee statement filed by them under 17 (3) of DSEAR, 1973 during academic session 2015-16.

v. Shall ensure to provide the access of Online Education/material/classes to all students, without any discrimination, by providing them ID and Password immediately to get them online education facility.

vi. Heads of the schools shall, in no case, deny ID and Password to those students/parents for getting online access of educational facilities/classes/materials etc to those students who are unable to pay the school fee due to financial crisis arising out of closure of business activities in the ongoing lockdown condition.

vii. Managing Committee of the schools/Heads of the schools shall not put extra financial burden by creating any new head of fee.

viii. Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society/Trust running the school.”

It is clear from the above that the authorities have already barred the charging of any fees except tuition fees. A perusal of points (v) & (vi) above shows that even those students who are unable to pay school fee due to financial crisis, course-work and other material is being made available to them. Such students are also permitted to avail of online classes. It is further clear that schools cannot deny access of online classes and other educational facilities due to non-payment of fees. Schools are also not permitted to charge any new head of fees.

7. Insofar as the tuition fee is concerned, the charging of the same would be justified in view of the fact that almost all the schools are conducting online classes and the teachers are discharging their functions by imparting

course work over online platforms, checking project work online, correcting papers wherein students have already given examinations, preparing questions on lessons taught and supervising students to complete the work given etc. There is also a burden on the schools to pay their staff during these months.

8. The authorities having taken cognisance of the issue and further the matter being one in the policy domain, this Court is not inclined to interfere.

9. At this stage, Mr. Vats submits that some schools are demanding a consolidated fee, without distinguishing the various heads i.e., tuition fee, co-curricular activities fee etc., If there is any specific complaint against any particular school, the parents concerned would be entitled to bring the same to the notice of the Directorate of Education, which shall take steps in accordance with law.

10. With these observations, the petition is disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

APRIL 20, 2020

dk/T