

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

W.P. No.14638/2020

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(Deepesh Vs. School Education Department)

Indore, dated: 30.09.2020.

Parties through their counsel.

The petitioner before this Court, who is a student, has filed this present petition raising genuine general public grievance in respect of teacher working in private aided and private unaided schools affiliated to CBSE and Senior Secondary Board of Education.

He has stated that the respondent No.6/ Association of Unaided Schools through its President has filed a petition before this Court and this Court has granted an interim order permitting the schools in the township of Indore to charge tuition fees from the students even though no physical classes are being held.

He has stated that the schools are charging hefty fees from the students under the garb of conducting on-line classes on the other hand full salary is not being paid to the teachers and they are being harassed. The petitioner has stated that the schools are throwing out the family of teachers from their residential houses. He has given one example of Daly College. He has stated that vide resolution dated 12.09.2020, rate has been fixed for charging damages, rent and other exorbitant rates to the tune of Rs.One lac per month for a bungalow. There is a schedule enclosed as

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Annexure P-1.

He has stated that Covid-19 pandemic, lock down was imposed in the township of Indore as well as throughout the country in the month of March, 2020 and thereafter, some of the teachers have retired. He has also stated that some of the teacher have unfortunately expired on account of Covid-19 pandemic and the schools are behaving in a sadistic manner by throwing the family of the teachers from the premises, who have retired or expired or no longer in service for some other reasons.

He has further stated that the terminal dues are withheld and the schools are forcing them to pay the rent to the tune of lacs and lacs of rupees. Learned counsel has stated before this Court that on account of Covid-19 pandemic, the respondent Nos.5, 6 and 7 be restrained from evicting the teachers or families forcefully form the premises allotted to them and the schools should be restrained from evicting the family of the teachers, who has retired or expired or no longer in service.

Learned counsel was fair enough to state before this Court that the teachers are still ready to pay the normal rent which was applicable prior to 01.01.2020.

Learned counsel has been able to make out a prima facie case for grant of interim relief. Resultantly, the respondent Nos.5, 6 and 7 are directed not to charge damage

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or penal rent from any teacher / employee or family members and they shall not be evicted from the premises in question.

At present, it is very difficult to find out the other accommodation and shifting of the family is also very difficult. Resultantly, it is further directed that the respondent Nos.5, 6 and 7 shall permit the teachers and their family and other employees in their accommodation on payment of normal rent as it was applicable prior to 01.01.2020.

The District Magistrate, Indore is also directed to ensure compliance of this order.

It is further clarified that the teacher / family members / employees shall be paid their terminal dues, their terminal dues will not be withheld by the respondent Nos.5, 6 and 7 on the ground that the schools are entitled to charge damages rent.

Issue notice to the respondents on payment of P.F. within a week.

Notice be made returnable within 4 weeks.

List the matter on **02.11.2020**.

(S.C. Sharma)
Judge

(Shailendra Shukla)
Judge