

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1169 of 2020

Petitioner :- Masoom Bachpan Foundation

Respondent :- State Of U P And 4 Others

Counsel for Petitioner :- Radhey Krishna Pandey, Manish Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur, Chief Justice

Hon'ble Siddhartha Varma, J.

"Masoom Bachpan Foundation", a trust for education, development, security and welfare of children has preferred this petition for writ to have appropriate writ, order or direction for respondents-State to ensure that no unaided private schools be allowed to charge any fee for the period "lockdown" was in operation. A prayer has also made to promote the students of primary classes to next class for the educational session of 2020-21 without undertaking examinations. A direction is also sought to regulate accounts of the unaided institutions including fee of the students and salary of the teachers.

It is submitted by learned counsel for the petitioner that the during the period of lockdown, no educational institution was opened and, therefore, no fee from the students for that period can be charged. Certain instances have been pointed out where fee is demanded by certain educational institutions.

While pressing the prayer to promote the students of primary class without holding examination, it is submitted that the primary schools are said to be holding online classes for primary students which, as a matter of fact, causing health hazard more than imparting education. While referring certain studies, it is stated that the electronic devices are having huge impact on anxiety or stress level, logical thinking, memory, mood and mental stability of the tiny tots. Beside the

psychological issues, same is also having hazardous effects on human brain due to electromagnetic waves and also because of eyes concentration on the screen of the device.

It is asserted that the students upto 8th standard may be promoted to higher class without holding any examination as for such classes even several educationists have suggested for "no examination system".

Respondent nos. 1, 2, 3 and 5 are represented by learned Standing Counsel.

Respondent no. 3 is directed to respond the petition for writ before next date of listing.

Let this petition for writ be listed on 4th December, 2020.

Order Date :- 17.11.2020
Shubham

(Siddhartha Varma, J.)

(Govind Mathur, C.J.)