

DEVAN RAMACHANDRAN, J.

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W.P.(C).Nos.19023, 19181, 19328, 21042,
21460, 22186, 23222, 23443, 23915,
24046, 25632, 25677, 25729, 25907,
26178, 26306 & 27174 of 2020
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Dated this the 9th day of December, 2020

ORDER

I had, by the order dated 20.11.2020, directed the Government of Kerala and the Central Board of Secondary Education (CBSE for short) to issue circulars/notifications intimating all affiliated Schools that they shall not charge fees, more than the actual expenditure this academic year; with a concomitant direction to the CBSE to go through the statements of income and expenditure filed by the respective Schools in these cases to find out whether their fee structure includes surplus or profits for the academic year.

2. Today, when this matter was called, Smt.Nisha Bose, learned Senior Government Pleader submitted that the Government has complied with the directions afore and has issued a Circular dated 02.12.2020, intimating all Schools in Kerala that for the academic year 2020-2021, they shall not charge anything in excess of the actual expenditure and that they shall not make any provision for surplus or profits.

3. However, the CBSE has taken a stand that they are not in a position to verify the income and expenditure

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statements of the Schools but does not say why; and I notice that an I.A has been filed by them on record - namely I.A.No.3/2020 - seeking that the afore directions of this Court be modified to such extent. They, however, also say that they are willing to issue the circular as directed by this Court, but it is rather distressing that they have chosen not to do so until now and to seek further time.

4. It has thus now come about that the CBSE appears to be washing their hands off completely from the issue at hand and placing it squarely on the shoulders of the Government of Kerala, asserting that the Affiliation Bye-laws provide for the Government to make provisions with respect to the fee structure and such other matters, relating to the affiliated Schools.

5. Now that the CBSE has taken such a stand, which, as I have said above, is rather unfortunate, this Court is left without any other option but to ask the Government to propose a mechanism, as per which, the circular now issued

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by them can be implemented effectively.

6. Obviously, therefore, I do not require the CBSE to now issue any further circular since even if they do so, they themselves admit that they are powerless to enforce the same. I do not, therefore, want the CBSE to do something which is nothing but an empty formality, wasting precious resources and nothing more.

7. Consequently, I direct the learned Senior Government Pleader to obtain instructions from the competent Authority as to how the circular now placed on record can be enforced and whether a specified Authority in the State Education Department can look into the complaints of over charging of fees in appropriate cases; and also if the income and expenditure statements filed in these cases can be verified and scrutinized for further action.

I therefore, adjourn these matters to be called on 17.12.2020.

At this time, the learned Senior Counsel and counsel

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appearing for the various Schools in these cases allege that many of the petitioners in these cases have not paid even the first term fees in spite of the directions of this Court.

It is needless to say that it was made clear in the order dated 20.11.2020 that the first term fees will be paid by all the petitioners and parents within the time specified therein; and if they have not done so, obviously, the benefit of the earlier interim orders of this Court will stand vacated as far as they are concerned.

However, as a last indulgence, I deem it appropriate to extent the time for payment of the first term fees until the next posting date, making it clear that if the petitioners or any of them choose not to do so, all interim orders in their favour issued by this Court earlier will stand automatically withdrawn.

When I dictated this part of the order, some of the learned counsel appearing for the petitioners brought to my notice that some of these writ petitions have been filed in the

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last week and therefore, that the earlier interim orders had not been issued in the said matters. I therefore, make it clear that the time frames fixed as afore, will apply to all the cases in this batch including those which have been filed in the last one week or less and that the petitioners or their parents must pay the first term fee before 17.12.2020.

**DEVAN RAMACHANDRAN,
JUDGE**

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(H/o)