

18.02.2021
KC(1-30)

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 131 of 2021
With
CAN 1 of 2021
With
CPAN 151 of 2021
With
CPAN 178 of 2021
With
CPAN 401 of 2021
with
CPAN 402 of 2021
With
CPAN 403 of 2021
With
CPAN 410 of 2021
With
CPAN 411 of 2021
With
CPAN 412 of 2021
With
CPAN 413 of 2021
With
CPAN 414 of 2021
with
CPAN 469 of 2021
With
CPAN 473 of 2021
With
CPAN 562 of 2021
With
CPAN 563 of 2021
With
CPAN 569 of 2021
With
CPAN 574 of 2021
With
CPAN 599 of 2020
With
CPAN 642 of 2021
With
CPAN 645 of 2021
With
CPAN 685 of 2021
With
CPAN 692 of 2021

With
CPAN 723 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021
With
CAN 3 of 2021
With
CPAN 746 of 2021
with
CPAN 755 of 2020
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 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
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
CAN 33 of 2021

(Via Video Conference)

Ms. Shalini Mukherjee.....For the petitioners in
WPA(P) 162 of 2021.

Mr. J. Sai Deepak,
 Ms. Priyanka Agarwal,
 Mr. Rishab Kumar Singh,
 Mr. Anurag Mitra,
 Mr. Tanvi Luhariwala.....For the petitioners in
 W.P.A.5890 of 2020 and
 CPAN 723 of 2020.

Mr. Pratyush Patwari..... Petitioner (in person) in
 W.P.A. 5378 of 2020.

Mr. Sanjib Bandyopadhyay,
 Mr. Ashok Kumar Singh,
 Mr. Jabir Ali.....For the petitioners in
 WPA(P) 46 of 2022.

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. Partha Banerjee,
 Mr. Abhijit Tewari.....For Disari Public School.

Mr. Abhrajit Mitra,
 Mr. Kunal Chatterjee
 Mr. Nikunj Berlia,
 Mr. Shoumendu Mukherjee,
 Ms. Anshu Jain.....For the Association of ICSE
 Schools, West Bengal Chapter.

Ms. Koyeli Bhattacharyya.....For the West Bengal
 Board of Secondary Education.

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. Tridib Bose,
 Mr. Debajyoti Saha,
 Ms. Vidai Sharma.....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,
Mr. Arkadipta Sengupta,
Mr. Subhajit Das..... For Delhi Public School,
Kanyapur, St. Judges School and
Burnpur Riverside School.
- 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. Paritosh Sinha,
Mr. Sankalp Narain,
Mr. H.P. Sahi,
Mr. B.P. Tiwari,
Mr. Amitava Mitra,
Ms. Shrayashee Das,
Mr. Jishnujit Roy,
Ms. Antara Chowdhury.....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. Somopriyo Chowdhury,
Mr. Dinabandhu Dan,
Mr. Deepan Kumar Sarkar,
Mr. Sanatan Chatterjee,
Mr. Dipayan Dan.....For the D.P.S. Ruby Park.

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

Mr. Apurba Kumar Ghosh.....For Rose Bud School.

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

Mr. Rahul Karmakar,
Mr. Asif Sohail Tarafdar.....For Arun Nursery and
Future Foundation.

Mr. Asif Sohail Tarafdar.....For Indus Valley and B.D.
Memorial School.

Mr. Subir Banerjee,
Ms. Shreyosi Sengupta,
Ms. Mumpy Singha.....For the applicant in
CPAN 685 of 2021.

Mr. Shomendu Mukherjee.....For Indus Valley, BDM
International and Apeejay School.

Mr. Varun Kedia.....For the applicant in
CPAN 642 of 2021.

Mr. Nikunj Belia,
Mr. Shomendu Mukherjee.....For Lakshmipat Singhanian
Academy.

Mr. Subir Banerjee,
Ms. Mumpy Singha,
Ms. Tania Bhowmick.....For the Sudhir Memorial.

Further to the order dated 8th February, 2022 passed by the bench presided over by the Hon'ble the Chief Justice, W.P.A.(P) 46 of 2022 (Tanweer Ahmed Khan and Ors. -vs- The State of West Bengal and Ors.) is treated as on the day's list.

By March, 2020 there was a sudden, widespread and most serious onset in our country of the pandemic caused by the Covid-19 virus. Physical education had to be discontinued. It was substituted by online education.

Online education generated its own problems.

On one hand, the students or their parents/guardians complained that the schools and other educational institutions continued to charge them fees which were disproportionately high considering the type of education imparted online. They said that although physical education had been discontinued, the schools and other educational institutions were charging them for facilities and services which could only be rendered when education was physical. On the other hand, the management of a body of schools and other educational institutions were aggrieved by non-payment or short payment of fees by the students. It was alleged on behalf of the students that services rendered by those institutions were much reduced by

the online mode, and the parents/guardians were suffering economic hardship caused by the pandemic. Hence, fees be reduced.

This court intervened through this public interest litigation to mitigate this problem. By the order of this bench dated 13th October, 2020, directions were made for smooth conduct of education in schools and other educational institutions covered by this litigation during this period. The most important part of it was that the schools and other educational institutions could only charge fees for essential services rendered online, with 20% deduction.

As the situation stands today, there is substantial remission of the effects of the pandemic. Life in all spheres has become substantially normal. In fact by the notification of the State Government dated 14th February, 2022, even primary and upper primary schools have been thrown open to physical education with effect from 16th February, 2022.

Therefore, from now, education in all the schools and other educational institutions covered by this public interest litigation would be physical.

Taking note of this situation and after having heard learned counsel appearing for the respective parties, we are of the view that the interim orders which are operating need to be further modified to the following effect:

(a) With prospective effect from 16th February, 2022, that part of our order permitting deduction of 20% of school fees shall stand vacated.

(b) The schools and other educational institutions shall be permitted to charge fees according to their policy and arrangement with the students.

(c) Up to 28th February, 2022, subject to (d) below students shall pay the school fees according to the interim orders made by us prior to this day, for online classes.

(d) In case of any dispute between the school fees claimed and the school fees payable according to a student for the period up to today, 50% (fifty per cent) of the demand by the school or the admitted amount by the student, whichever is higher, has to be paid without prejudice to the rights and contentions of the parties in this litigation, by 15th March, 2022. Our earlier interim order with regard to payment of the disputed amount stands modified to this extent.

(e) Till 31st March, 2022 or until further orders, whichever is earlier, no coercive action like expulsion of any student from the school, withholding of admit card to sit for any Board or school examination, withholding of mark-sheets or certificates on the ground of default in payment of school fees, shall be taken by the schools or other educational institutions covered by this litigation against any student.

List this application along with the contempt and any other application on 25th March, 2022.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)