

19.04.2022
SD(1-37)

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
CAN 2 of 2022
With
CPAN 646 of 2021
With
CPAN 648 of 2021
With
CPAN 245 of 2022
With
CPAN 232 of 2022
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
 With

CPAN 131 of 2021
 With
 CAN 1 of 2021
 With
 W.P.A.(P) 46 of 2022
 Tanweer Ahmed Khan and Ors.
 -vs-
 State of West Bengal and Ors.
 With
 CPAN 144 of 2021
 With
 CPAN 151 of 2021
 With
 CPAN 155 of 2022
 With
CAN 1 of 2022, CAN 4 of 2022 And CAN 35 of 2022

(Via Video Conference)

Mr. Dhilan Sengupta,
 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. Samrat Sen,
 Mr. Nilotpall Chatterjee.....For the State in
 WPA(P) 46 of 2022.

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 Chaudhury,
Mr. Rajarshi Dutta,
Mr. V.V.V. Sastry,
Mr. Tridib Bose,
Mr. Debajyoti Saha,
Ms. Vidhi Sharma.....For Ashok Hall Group of
Schools and Ballygunge
Siksha Sadan, Little Steps School.
- 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,
Ms. Oindrila Ghosh..... 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,
Mr. Debabrata Roy.....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 Lakshmi Pat Singhania
Academy.

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

Mr. Vineet Ruia In Person(CAN 4 of 2022,
CPAN 723 of 2020)

Mr. Indrajit Kundu .. (CPAN 574 of 2021(CAN 1 of
2022)

Mr. Arun Alo Roy
Mr. Swagato Roy For the Mahadevi Birla World
Academy & Birla Bharati.

Re: **CAN 1 of 2022, CAN 4 of 2022**
CAN 35 of 2022

We have taken up all these three applications together. We have also considered the submissions of learned counsel for the parties and Mr. Ruia appearing in person representing the guardians of a body of schools.

At the outset, we observe that G.D. Birla Centre For Education ought not to have issued the notice dated 9th April, 2022 to the following effect:-

“NOTICE

9th April, 2022

The school will re-open on Monday, 11.4.2022 for students who have cleared all dues.

Principal”.

The effect of this notice is that those students who have disputed the dues of the school would not be allowed to join classes. In fact, it is alleged by a body of parents that numerous students have been debarred from joining classes on the ground that their fees remain unpaid.

Mr. Chowdhury, learned advocate for the school submits that taking shelter behind our interim orders, some guardians were forwarding to the school insignificant amounts as fees, much lower than what they paid in the last academic session, insisting that their wards be allowed to attend school.

In this context, we would like to refer to the existing interim orders made by us particularly some clauses in the orders dated 18th February, 2022 and 6th April, 2022. In clause (d) of the order dated 18th February, 2022 we had directed as follows:-

“(d) In case of any dispute between the school fees claimed and the school fees payable according to

a student for the period upto 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”.

Again in Clauses (a),(b),(d),(g) & (i) of the order dated 6th April, 2022 we had directed as follows:-

“(a) None of the 145 schools/teaching institutions shall deny promotion to any student to the next sessions or withhold their report card till further orders.

(b) All students shall be allowed to join the higher class in the new sessions and shall be provided the normal educational facilities.

(d) As far as the payment of school fees during the operation of our interim order is concerned, the payment made by each students/guardians shall be accompanied by a statement showing the calculation for such payment.

(g) So that the schools/teaching institutions do not suffer any deficiency in fund, we direct the Joint Special Officers to go into the above dispute regarding fee liability and to come to a decision in the matter.

(i) Each of the guardians/students shall make payment of the fee determined as payable by the Joint Special Officers to the schools/teaching institutions within two weeks of such determination without prejudice to his rights and contentions in these applications”.

We direct the participating schools to put up our interim orders in a suitable place in their notice boards for their appreciation by all concerned.

Therefore, whatever may be the dispute, during the period of operation of our interim orders regarding the fee liability or its payment, it was to be referred to the Joint Special Officers for determination. This would also include the dispute concerning the schools, the parents of which are represented by Mr. Ruia.

Let that be immediately done either by the school authorities or the guardians. The Joint Special Officers shall file a separate report in this Court strictly confined to this issue by 6th June, 2022. The said report will be treated as part of the report in the pending writ application and tagged along with its papers.

G.D. Birla Centre for Education will immediately withdraw its notice dated 9th April, 2022 and allow the students to attend classes in the usual course immediately.

All other schools will also follow the directions in this order.

For proper implementation of this order and also to ensure that there is no breach of peace or break down of law and order within or adjoining the school premises, the Joint Special Officers shall in the event such situation is pointed out to them by the school authorities or any parent or guardian shall approach the Officer-in-Charge of the local Police Station. On such request, the said Officer-in-Charge shall ensure that there is no breach of peace in the school area.

The Joint Special Officers shall be entitled further *ad hoc* remuneration equal to the initial remuneration to be shared in the same manner as the initial remuneration.

The applications(CAN 1 of 2022, CAN 4 of 2022 and CAN 35 of 2022) are thus disposed of.

As affidavits were not invited, the allegations, if any, contained therein are not deemed to be admitted.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)