

Daily Order

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DEVDAS 4818/2021

09/03/2021 On the last occasion the learned Senior counsel for the petitioners had pointed out to the daily order dated 07.02.2019 in W.P.No.6185/2019 where the learned Additional Advocate General had submitted that no precipitative or coercive action would be taken against the petitioner-Institutions who are affiliated to the ICSE and CBSE Boards, in the matter of prescription or regulating of tuition fee.

Learned Additional Advocate General is present before this Court and he submits that no doubt a statement was made by the learned Additional Advocate General as pointed out by the learned Senior counsel, however, the background in which the present Circulars/ Notification has been issued is in the wake of COVID-19 pandemic and several representations given by the parents whose grievance was considered by the State Government and after meetings were held involving the Association of schools.

Learned Senior counsel for the petitioners submits that the Association of Indian Schools which are affiliated to ICSE and CBSE Boards were not called for the meeting.

Nevertheless, this Court is of the opinion that when the question as to the power and Authority of the State Government to give directions to the Institutions affiliated to the ICSE and CBSE Boards are pending consideration at the hand of this Court, and in the light of the submissions made by the learned Additional Advocate General before this Court in W.P.No.6185/2019, the respondent-State Authorities should not be permitted to take coercive steps.

Nevertheless, at this juncture in order to strike a balance, this Court is of the opinion that the petitioner-Institutions are required to consider the grievance of the parents which is a genuine concern in the light of the COVID-19 pandemic, which has affected the citizens of this Country and caused severe damage to their livelihood and consequently, the income of the family. The Educational institutions should raise to the occasion. Therefore, while directing the respondent-Authorities not to take coercive steps, this Court would also implore upon the management of the Institutions affiliated to the ICSE and CBSE Boards and the petitioners' Association to voluntarily issue notices on their notice Boards that they would consider individual grievances of the

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parents and the Institution shall not insist upon the payment of full school fees in the light of the genuine grievances raised by the parents. Grievance of the parents in the matter of payment of school fee shall be considered on case by case basis.

Though applications have not been made by the parents and parents Association, learned counsel Sri.Narendra Dev, submits that he intends to file an application on behalf of some of the parents and parents Association to implead themselves in these proceedings.

Liberty is also granted to such of the parents and parents Association to bring to the notice of this Court their grievances and if they are not considered by the Institutions.

In the meanwhile, applications may be filed on behalf of the parents and parents Association for impleadment. Statement of objections shall be filed by the respondents.

Re-list this matter on 24.03.2021 along with W.P.Nos.3896/2021, 3874/2021, 3986/2021, 3930/2021 and 4751/2021

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