

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 58 of 2020 (O&M)
Date of decision:- 02.06.2020

Pankaj Chandgothia

.....Petitioner

Versus

Chandigarh Administration and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Pankaj Chandgothia, Advocate-petitioner in person.
Mr. Pankaj Jain, Sr. Standing Counsel for Union Territory,
Chandigarh.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of the petitioner and the learned Senior Standing Counsel appearing for the respondents, the matter is being taken up and heard via video conferencing (Webex App software).

This petition by way of public interest litigation is against the order dated 18.05.2020 passed by the respondent-authorities whereby the respondent-authorities have issued certain directions relating to relaxation in fees to be charged by the private educational institutions with further stipulation regarding deposit of fee after the date prescribed and the consequences thereof. It is submitted that Union Territory, Chandigarh has previously stated that one month time would be given to the parents/students to deposit the fees for the months of April and May, 2020 after the schools reopen. However, subsequently by the revised guidelines/order dated 18.05.2020 it is now stated that the last date to deposit the tuition fees for the months of April and May, 2020 would be 31.05.2020 and no late fee would be charged. It is submitted that curtailing the period for depositing the fees for the months of April and May, 2020 is against the interest of the parents/students who are facing difficulty in depositing the fee on 31.05.2020 on account of Covid-19.

Learned Senior Standing Counsel appearing for Union Territory, Chandigarh submits that in the revised orders several reliefs have been granted to the parents/students and under paragraph-4 of the said order it has further been clarified that in case any parent fails to deposit the fee in time and is finding it difficult to do so, they may approach the school authorities for relaxation and their request shall be considered on case to case basis and in the meanwhile the name of the student shall not be struck off from the record nor the student would be deprived of on-line teaching on account of non-payment of fee.

It is further pointed out that the petition in question is absolutely general and vague as no particular instance of hardship has been pointed out. It is brought to the notice of this Court that in similar CWP-PIL No. 48 of 2020 this Court on 18.05.2020 has disposed of the petition by granting liberty to approach the respondents for mitigation of their grievances.

Learned Senior Standing Counsel for the Union Territory, Chandigarh has also brought to the notice of this Court a document Annexure R-2 which is the notification specifying the Grievance Redressal Authority, who is authorized and competent to hear and decide all complaints in this regard.

We have heard the petitioner in person and learned Senior Standing Counsel for Union Territory, Chandigarh.

We have also observed that a similar order passed by the State of Punjab is under challenge by the Independent Schools Association, Chandigarh (Regd.) and others v. State of Punjab and others in Civil Writ Petition No. 7409 of 2020 in which certain interim orders have been passed by this Court on 22.05.2020 making an interim arrangement and thereafter listing the case on 12.06.2020.

In the facts and circumstances of the case as the Chandigarh Administration has already passed orders giving specific directions to the private schools not to take any coercive steps of de-registration etc. against the students on account of non-payment of fees and to continue to impart education to such students even in the absence of depositing of fees and as the Chandigarh Administration has also made a provision granting liberty to an aggrieved parent to approach the school concerned for sympathetically considering the case for relaxation or extension of time to deposit fees, we do not find any reason to entertain the present petition particularly and

specifically in view of the fact that no instance of such hardship has been brought to the notice of this Court.

As adequate arrangement for accommodating the students and parents who are unable to deposit the fees on the last date has already been made by the Chandigarh Administration, no further direction is required to be issued by this Court.

The petition is accordingly disposed of by granting liberty to the individual parents and students, if so aggrieved, to approach the concerned schools and thereafter the Grievance Redressal Committee in case of individual hardship on the basis of facts available in that particular case.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.06.2020
ravinder sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No