

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10483 of 2021

Saroj Kumar son of late Bashishth Singh resident of mohalla - Rajapur, Gate
No. 28, P.S. S.K. Puri, town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The principal secretary, education department, government of Bihar.
3. The Additional Chief Secretary, Education Department, Government of Bihar, main Secretariat, Patna.
4. Director, Primary, Secondary and Higher Secondary, Education Department, Government of Bihar, Main Secretariat, Patna.
5. The Divisional Commissioner, Patna.
6. The District Magistrate, Patna.
7. The Bihar School Examination Board, Budh Marg, Patna, through its Secretary.
8. The Central Board of secondary Education, (CBSE), New Delhi.
9. The Indian Certificate of Certificate Education, (ICSE), New Delhi.
10. The Principal Baldwin Academy, Dhawalpura South, Begampur, Patna.
11. The Principal, St. Karens' Collegiate School, Rupaspur, Patna.
12. The Principal, Gyan Niketan Boys School, Patna.
13. The Principal, Gyan Niketan Girls School, Digha, Patna.
14. The Principal, Tribhuwan School, Offside Danapur
15. The Principal D.Y. Patil International School, Patna.
16. The Principal, Opend International School, Patna.
17. The Principal, Patna Central School, New Bypass, Patna.
18. The Principal, Krishna Niketan Girls School, Patna.
19. The Principal, R.P.S. Residential Public School, Patna.
20. The Principal D.A.V. School, Board Colony, Patna.
21. The Principal B.D. Public School, Patna.
22. The Principal Jaipuria School, Patna.
23. The Principal, St. Paul High School, Digha, Patna.
24. The Principal, Sorance School, Magistrate Colony, Patna.
25. The Principal, Usha Martin School, Patna.

26. The Principal, Holy Mission School, Patna.
27. The Principal, Radiant Public School, Saguna More, Patna.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar (in person)
For the Respondent/s : Mr.Shashi Shekhar Tiwary, AC to AAG 10

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 24-08-2021 Petitioner has prayed for the following relief(s):

“(i) For restraining the respondents private schools across the State from charging fee such as development charge, transportation, sports, term, meal, medical, SMS, IT and other curriculum activity etc. except for tuition fee from the parents for achedemic sessions 2020-2021 till the schools is reopened under Section-2 of the Epidemic Disease Act, 1897.

(ii) For a direction on the respondents private schools across to state remit/return the advance fees received from the parents except tuition fee to the parents including sessions march 2020 to April 2021 and March 2021 to April 2021.

(iii) For a direction on heads of

the school not to demand/collect the tuition fee from the parent/students on quarterly basis. The fees be directed to be collected on monthly basis alone and the schools should be restrained in regard to demand a consolidated fee without distinguishing the various heads i.e. tuition fee, curricular activities fees etc.

(iv) For restraining the respondents private schools across the state to increase any fee in the Academic Session 2020-21 and 2021-22 till further specific direction of the State Government/Union of India.

(v) The respondents be directed to ensure to provide the uninterrupted access of online education/material/classes to all students without any discrimination, by providing them ID, PASSWORD and link immediately to get them online education facility.

(vi) For a direction on the heads of the schools to ensure that in no case, deny ID, PASSWORD and link to those students/parents for getting online access of educational facilities/classes/materials etc. to those students who are unable to pay the school fee due to financial crises out of closure of business activities in the ongoing lockdown conditions.

(vii) For a direction on the managing committees/heads of the schools restraining them from putting extra financial burden by creating any new head of fees.

(viii) For a direction to head of

all private schools to ensure that proper sanitization is done in the school premises and the schools be directed to provide masks to children, teacher and others school staff and to ensure that anyone in the school establishment used them as a post-covid-19 measure at least for six months and to ensure the availability of hygiene equipments i.e. hand sanitizer, face masks, paper napkins, dustbins in schools.

(ix) For a direction on the respondents to issue order/guideline/directions with respect to fees/hygiene to all the private schools across the state and be further pleased to grant ad-interim ex-parte stay against demands of fees raised by the private schools until guidelines/order/directions permanently passed/implemented by the respondents and no coercive step be taken against the students/parents till further orders and be pleased to pass interim relief immediately since parents are getting intimating/threatening calls from the school authorities that if they will not deposit the fees consequences may follow, penalty charges will be levied or other coercive steps will be taken against the students by not allowing them to take online classes, by not publishing/providing final result and by not promoting in next higher class.

(x) For any other relief/reliefs to which petitioners are found entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner prays for permission to withdraw the petition, reserving liberty to invite the attention of the authorities, more specifically respondent Nos.10 to 27, of the decisions rendered by various constitutional Courts of the country.

Ordered accordingly.

The petition is dismissed as withdrawn, with the aforesaid liberty. Also, liberty reserved to the petitioner to approach the court, if the need so arises subsequently.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

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