

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3748 of 2021

=====

Awadhesh Kumar Mishra Son of Late S.P. Mishra Resident of Mohalla- New
Purandanpur, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Development Department, New Secretariate, Govt. of Bihar, Patna.
2. The District Magistrate Patna.
3. The Secretary CBSE, New Delhi.
4. The Secretary ICSE, New Delhi.
5. The Principal Secretary, Disaster Management, Patna, Bihar.
6. The Director St. Karens High School and Primary Section, having its office at Gola Road, Patna.
7. The Principal St. Karens High School Gola Road, Patna.
8. The Principal St. Karens Primary School, S.K. Puri, Patna.

... .. Respondent/s

=====

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.
For the Respondent/s : Ms. Shilpa Singh (GA-12)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“ i. Respondent authorities be directed to accept only tuition fee from the parents of the schools in question and the private managements of such schools be restrained

from charging any other amount in respect of Computer Fee, Library, Science Fee and Miscellaneous charges including building infrastructure of the buildings & towards transportation charges.

ii. Respondents authority be directed to follow the circulars issued by the Central Government as well as the State Government in which direction has been issued to large number of private schools affiliated to CBSE and ICSE to charge/ accept only tuition fee during the lockdown period (COVID-19)

iii. Respondent authorities be directed to charge only tuition fee from the students of different classes right from primary section to senior secondary in the light of order and judgments dated 25.08.20 delivered by Delhi High Court passed in W.P. (C) no. 3140 of 2020 as well as another judgment dated 30.06.2020 delivered by Punjab and Haryana at Chandigarh High Court in C.W.P. No. 7409/20(O&M) and analogous cases.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **District Magistrate, Patna** to consider and decide the representation which the petitioner shall be filing within a period of four weeks

from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the **District Magistrate, Patna** shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-6-2021
Transmission Date	NA