

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1260 of 2021

=====

Ramakant Dubey Son of Awadhesh Dubey Resident of Village/Mohalla-
Operabgha, Mainpura, Fatehabad, Police Station-Arwal, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Chief Secretary, Ministry of Human Resources Department, India Govt., New Delhi
3. The Principal Secretary, Chief Minister Office, Bihar, Patna.
4. The Commisioner, Magadh Devision, Gaya.
5. The Chairman, Central Secondary education Board, New Delhi.
6. The District Magistrate, Gaya.
7. The District Education Officer, Gaya.

... .. 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.Ajay Kr Singh No.1, Adv
		Mr. Ajeet Kumar Bhardwaj, 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 : 28-06-2021

Heard learned counsel for the parties.

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

“i.An appropriate writ/writs, order/orders, direction/directions be issued, commanding the Respondents towards exemptio from charging/depositing the annual and annual development fee/charges by the education institution/Schools for the period of Pandemic Covid-19 and Lock-down as the Guardians/ public concerned are



affording/expensing amounts on the internate facilities being adopted for online education/learning mode.

ii. Direction to the educational institution towards adjustment of the amount collected against the fee towards annual & annual development charges in the forthcoming sessional period in which tuition fee would payable in the institution.

iii. Direction to the educational institutions/school towards remittance of monthly tuition fee for the month of April & May, 2020.”

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, Gaya**, 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 authority concerned 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

