

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No. 1791 OF 2021

ORDER:

This Writ Petition is filed the *Active Parents Forum of Hyderabad Public School* challenging the action of the official respondents in not considering the representations, dated 17.10.2020, 15.12.2020 and 21.01.2021 as illegal and arbitrary and consequently, seeks a direction to the respondents to follow G.O.Rt. No. 46, School Education (Gen.I) Department, dated 21.04.2020.

The case of the petitioner-Forum is that considering the unexpected pandemic situation due to Covid-19 and the resultant lockdown imposed throughout the country, the State Government has issued guidelines vide G.O.Rt. No. 46, dated 21.04.2020, whereby, all the private unaided recognized schools in the State, which are affiliated to State Board, CBSE, ICSE & Other International Boards, were directed not to increase any kind of fees during the academic year, 2020-21 and shall charge only tuition fee on monthly basis till further orders. However, in violation of the above guidelines, the Board of Governors, Hyderabad Public School Society, respondent No. 3 herein, and the Hyderabad Public School at Begumpet and Ramanthapur branches, the respondent Nos. 4 and 5 herein, are insisting the parents/students to pay the fees, as they are conducting online classes and also threatening that if the fee is not paid,

as demanded by the management, the students will not be permitted to attend the online classes.

In the detailed counter filed by the respondent Nos. 3 to 5, school authorities have explained in detail the various steps being taken by the school management after the Government has issued G.O.Rt. No. 46. The respondent Nos. 3 to 5 have stated that the Schools started charging tuition fee on monthly basis as against the term fee being charged. Further, the tuition fee which was enhanced by 10% for the academic year 2020-2021 was rolled back and was immediately kept in abeyance and no fee was increased in any form. Moreover, the respondent Nos. 3 to 5 are under obligation to pay salaries to their teaching & non-teaching staff and are also burdened with overhead costs and other recurring expenditure. It is further stated that the respondent Nos. 4 and 5-Schools charge only tuition fees and they do not charge any additional fee under any heading viz. transportation, mess, school activities, maintenance and admission charges, as alleged by the petitioner-Forum. The Schools are being run on 'no profit & no loss' basis and there is no provision for contingency fund, except for fees collected.

Mr. S. Ravi, the learned Senior Counsel appearing on behalf of respondent Nos. 3 to 5, while reiterating the contents of the counter affidavit, has stated that as on date, only online classes are being conducted and so far, the school has not threatened even a single student for payment of tuition fee and that they are strictly following the guidelines

issued by the State Government vide G.O.Rt. No 46. The learned Senior Counsel has specifically denied the allegation that the school authorities are not permitting the students to write the examinations unless and until the tuition fee is paid. That in future also, the students will not be prevented from writing the examinations only on the ground of non-payment of tuition fee. The learned Senior Counsel has further stated that the fixed costs of running the school will remain constant irrespective of the fact that the classes are conducted through online or physical mode. The school has to pay salaries to its teaching & non-teaching staff, electricity bills, property tax, besides various recurring administrative expenses. That, in case, any individual parents, who have any difficulty in paying the fee, they are always free to approach the school authorities and the management of the school will consider their cases on a case by case basis sympathetically, but the present writ petition filed by the Forum of parents is not maintainable and is liable to be dismissed.

In view of the above-said submission made by the learned Senior Counsel appearing on behalf of the respondent Nos. 3 to 5, and also taking into account the contents of the counter affidavit, without going into the merits or demerits of the case, this Court is of the *prima facie* view that most of the grievance of the petitioner-Forum stands redressed and there is no need to pass any further orders in the writ petition. However, the School Management taking into account the

present unprecedented pandemic situation, may take a holistic and sympathetic approach to the problems, faced by some individual parents, in case some of them are not in a position to pay the fee on time and receive a representation to that effect.

Accordingly, the writ petition stands closed.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 19-03-2021
tsr

A.ABHISHEK REDDY, J

