

22.11.2022
(I.No.36)
Ct.-18
(P.Jana)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 23031 of 2022

Shamshad Ahmed
-Vs-
The State of West Bengal & Ors.

Mr. Nilay Sengupta,
.... For the Petitioner.

Mr. Debdatta Sen,
Mr. Siddhartha Chatterjee,
Ms. Suchismita Ghosh Chatterjee,
... For the respondent no. 3.

Mr. Sanjib Das,
.... For the State.

The son of the petitioner is a student of Class VII in Little Steps School at 42, Garden Reach Road, Kolkata- 700 024.

The authority of the said School has issued a transfer certificate to the son of the petitioner due to non-payment of School fees for the period from April, 2022 to June, 2022.

Mr. Nilay Sengupta, learned advocate for the petitioner submits that due to the outbreak of Covid-19 pandemic, the income of the petitioner was affected, as a consequence, he could not pay the school fees of his son for the said period but he is ready and willing to pay all the due fees along with the penalty.

Mr. Debdatta Sen, learned advocate appears on behalf of the Vice Principal of the said School,

the respondent no. 3 herein and submits that the default in payment of the school fees was beyond the pandemic period, as such, the said default is not protected by the orders passed by the Hon'ble Division Bench on the issues relating to non-payment of school fees during the period of Covid-19 pandemic.

He further submits that the petitioner neglected to respond to successive demand notices for payment of the said due fees, besides, the school not being a Government aided school, its decision is not open to challenge in writ jurisdiction.

Heard the learned counsel for the parties, perused the materials- on-record.

The issue of maintainability of the instant writ petition cannot loom large to overshadow the education of a Class VII student, particularly when, his father is ready and willing to clear all the due fees along with the penalty.

The School authority is therefore, directed to recall and/or withdraw the transfer certificate issued to the son of the petitioner and allow the said student to resume his classes, subject to the condition that the petitioner depositing all due school fees till the month of November, 2022 along with the penalty as per the Schedule of the school within seven days from date.

WPA 23031 of 2022 is thus allowed without any order as to costs.

It is made clear that this order shall **not** be treated as a **precedent** for any other like cases.

All parties to act on the server copy of this order downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)