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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28277-2024(O&M)
Date of decision: 18.12.2024

Rishikul Sr. Sec. School, VPO Julana, District Jind

...Petitioner

VERSUS

Central Board of Secondary Education and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Pankaj Maini, Advocate, for the petitioner.

Mr. B.S. Seemar, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the e-mail sent by respondent No.2 on 14.10.2024 (Annexure P-6) vide which the respondents have refused to consider the claim of the petitioner-School qua their students of Class 10th and 12th for not imposing late fee while accepting enrolment forms/list of candidates of their students dated 30.09.2024 (Annexure P-1) and demanding late fee from petitioner-School from 08.10.2024 onwards (Annexure P-5).

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is a School in which there are 32 students of class 10th and 25 students of class 12th i.e. total 57 students and they had filed online application for the purpose of enrolment to the respondent-CBSE in accordance with the schedule which has been reproduced in para No.5 of the petition in which the time period for submission of the list of candidates was from 05.09.2024 to



04.10.2024 and the schedule for fee payment was four days after the submission of the aforesaid list of candidates. He submitted that so far as the present petitioner-School is concerned, they had uploaded applications for enrolment by way of online process on 30.09.2024 and in this way, the last date for depositing the fee was 04.10.2024. He submitted that in the State of Haryana it was a holiday on 02.10.2024 because of Gandhi Jayanti, 03.10.2024 was also holiday because of Maharaja Aggarsen Jayanti and so far as 04.10.2024 and 05.10.2024 are concerned, there were elections in the State of Haryana for legislative assembly and 06.10.2024 was Sunday and in this way, the petitioner-School could not deposit the aforesaid fee in time and when the petitioner-School approached the respondent-CBSE on 07.10.2024 i.e. on Monday, they wanted to charge the late fee in accordance with the aforesaid schedule which has been reproduced in para No.5 of the petition and, therefore, a direction may be issued to the respondent-CBSE not to charge late fee.

3. On the other hand, learned counsel appearing on behalf of the respondent-CBSE submitted that the petitioner-School was at fault in not depositing the fee in time and so far as the holidays which have been so stated by the learned counsel for the petitioner are concerned, so far as 03.10.2024 and 04.10.2024 are concerned, the same although were holidays but online process was continuously working and the entire process of depositing the fee was through online mode i.e. through RTGS or any other electronic mode and, therefore, it cannot become a ground for non-payment of fee in time. He submitted that had it been a case of a holiday in the State and also the Banks being closed, then it would have been understood but the same was not the case as on 03.10.2024 and 04.10.2024, the Banks were open and, therefore, the petitioner-School has violated the aforesaid schedule which has been so reproduced in para No.5 of the petition.

He also submitted that all other remaining Schools which were 2424 in number



submitted their fee well in time despite the aforesaid holidays as stated by the learned counsel for the petitioner because there was no holiday in Bank.

4. Learned counsel for the respondent-CBSE submitted that the last date for depositing the late fee was 15.10.2024 but he has sought specific instructions to state that in the present case as a special circumstance, in case, the petitioner-School deposited late fee within one week, then the respondent-CBSE will immediately process the LOC of the petitioner-School and consequential roll numbers will be issued forthwith.

5. Learned counsel for the petitioner-School has submitted that in view of the aforesaid stand taken by the learned counsel for the respondent-CBSE, the petitioner-School will deposit late fee within a period of one week from today. He has submitted that however a direction may be issued to the respondent-CBSE that after deposit of the late fee, LOC of the petitioner-School be promptly processed and within a period of two weeks thereafter.

6. After hearing the learned counsels for the parties and considering the stand taken by the learned counsel for the parties, the present petition is disposed of. It is directed that in the event of the petitioner-School depositing the entire late fee within a period of one week from today to the respondent-CBSE, the respondent-CBSE shall not only process but it will finalize the LOC of the petitioner-School including issuance of roll numbers within a period of two weeks thereafter.

(JASGURPREET SINGH PURI)
JUDGE

18.12.2024
rakesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No