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**A**

**IN THE SUPREME COURT OF INDIA**  
**ORIGINAL CIVIL WRIT JURISDICTION**  
**(ORDER XXXVIII, S.C.R, 2013)**  
**UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA**  
**WRIT PETITION (C) No.        OF 2020**

**IN THE MATTER OF:**

Sushil Sharma & Ors.

...Petitioners

VERSUS

Union of India & Ors.

...Respondents

**OFFICE REPORT ON LIMITATION**

1. The Petition is within time.
2. The Petition is barred by time and there is delay of   7   days in filing the same against order dated   10   and petition for condonation of   7   days delay has been filed.
3. There is delay of   7   days in refilling the petition and petition for condonation of   7   days delay in refilling has been filed.

New Delhi

BRANCH OFFICER

Dated: 23.06.2020

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## PROFORMA FOR FIRST LISTING

SECTION-X

<input type="checkbox"/>	Central Act: (Title)	Constitution of India, 1950
<input type="checkbox"/>	Section:	Article 21 and 21A read with Article 32
<input type="checkbox"/>	Central Rule: (Title)	N/A
<input type="checkbox"/>	Rule No. (s):	N/A
<input type="checkbox"/>	State Act: (Title)	N/A
<input type="checkbox"/>	Section:	N/A
<input type="checkbox"/>	State Rule: (Title)	N/A
<input type="checkbox"/>	Rule No.(s):	N/A
<input type="checkbox"/>	Impugned Interim order: (Date)	N/A
<input type="checkbox"/>	Impugned Final Order/Decree: (Date)	N/A
<input type="checkbox"/>	High Court: (Name)	N/A
<input type="checkbox"/>	Name of Judges:	N/A
<input type="checkbox"/>	Tribunal/Authority: (Name)	N/A
1.	Nature of matter:	<input checked="" type="checkbox"/> Civil <input type="checkbox"/> Criminal
2.	(a) Petitioner/appellant :	Suresh Sharma
	(b) e-mail ID:	N/A
	(c) Mobile phone number:	N/A
3.	(a) Respondent No.1:	Union of India
	(b) e-mail ID:	N/A
	(c) Mobile phone number:	N/A
4.	(a) Main category classification:	1800
	(b) Sub classification:	1807
5.	Not to be listed before:	N/A



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6a.	Similar disposed of matter with citation & cases Details:	No similar matter is disposed off
6b.	Similar/Pending matter with case details:	No similar matter is pending
7.	Criminal Matters:	N/A
	(a) Whether accused/convict has surrendered:	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(b) FIR No.	N/A
	(c) Police Station:	N/A
	(d) Sentence Awarded:	N/A
	(e) period of sentence undergone including period of detention /custody undergone:	N/A
8.	Land Acquisition Matters:	N/A
	(a) Date of Section 4 notification:	N/A
	(b) Date of Section 6 notification:	N/A
	(c) Date of Section 17 notification:	N/A
9.	Tax Matters: State the tax effect:	N/A
10.	Special Category (first petitioner/appellant only):	N/A
	<input type="checkbox"/> Senior citizen > 65 years <input type="checkbox"/> SC/ST <input type="checkbox"/> <input type="checkbox"/> Woman/child <input type="checkbox"/> <input type="checkbox"/> Disabled <input type="checkbox"/> Legal Aid Case <input type="checkbox"/> In custody	
11.	Vehicle Number (in case of Motor Accident Claim matters):	N/A

Place: New Delhi  
Dated: 23.06.2020

*Mayank*  
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**IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL WRIT JURISDICTION  
(ORDER XXXVIII, S.C.R, 2013)  
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA  
WRIT PETITION (C) No. OF 2020**

**IN THE MATTER OF:**

Sushil Sharma & Ors. ...Petitioners  
VERSUS  
Union of India & Ors. ...Respondents

ALONG WITH

**I.A. No. \_\_\_\_\_ of 2020**  
AN APPLICATION SEEKING EX-PARTE AD INTERIM DIRECTIONS

And

**I.A. No. \_\_\_\_\_ of 2020**  
AN APPLICATION SEEKING EXEMPTION FROM FILING OFFICIAL  
TRANSLATION OF ANNEXURE P-13 TO P-15 & P-27

And

**I.A. No. \_\_\_\_\_ of 2020**  
APPLICATION ON BEHALF OF THE PETITIONERS SEEKING  
EXEMPTION FROM FILING NOTARIZED AFFIDAVITS

**PAPER BOOK**

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR PETITIONERS : MAYANK KSHIRSAGAR

**RECORD OF PROCEEDINGS**

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## SYNOPSIS

The Petitioners belonging to different states of the country have come together being constrained to approach this Hon'ble Court seeking *inter alia* the protection of fundamental right to life as well as education guaranteed under the Constitution of India, 1950 which the children & students enrolled up to the Class XII of various Indian states are being deprived of due to supervening factors namely, the ongoing pandemic-COVID-19 period and sustained financially incapacitated parents to bear the brunt of the fees of the children, even after being faced with constant financial and emotional hardships which may leave a few of them with no option but to withdraw their children or students from seeking institutional/school education for an unforeseeable period of time. The Petitioners are also aggrieved apart from other issues as raised in the present petition by the unorganised and adversely influencing education imparted in the name of online classes, without addressing the supervening factors of incapacity of 25% EWS category Students, adverse impact of education of children of unregulated online education for students of Std. Nursery to 5<sup>th</sup> and for other students as well.

The Petitioners by way of the present petition highlight various factors leading to creation of hostile discrimination of children and parents of various states in India as some protection may be available for children or students in some states and the same may not be available in other states, the most relevant factors being:

- Variance of steps taken by some states granting some relief in fee structure and;

- Variance of orders passed by High Court of some states and absence of the same in some other states;
- Online education- considering the adverse impact ban on the same by State of Karnataka and State of Madhya Pradesh, non consideration of the same by other states. Impact on collection of fees by the schools due to same not being considered.
- The nature of protection granted by the primary, secondary and senior secondary private aided/unaided schools in the various parts of the country;
- The segregation/categorization done in granting right to education, namely,
  - Children from age 6 to 14 years and protection under the Right to Education Act and Constitution of India;
  - Children beyond the age of 14 years
  - 25% socially and economically backward/weaker students under the RTE Act, 2009

### **BRIEF BACKDROP:**

- Novel Coronavirus- COVID 19 disease was declared as a pandemic by the World Health Organization on 11.03.2020, following which the National Disaster Management Authority advised the Government of India to implement a country-wide lockdown, so as to prevent the contagious virus. On 25.03.2020, a country wide lockdown was announced by the Government of

India, whereby inter alia, all the activities including the educational sector were shut down completely having a catastrophic effect over the economy of the country with many people losing their jobs or getting a deducted/nil income and facing immense sufferings in their daily life and losses at their respective businesses.

- The school going children & students were unable to attend the physical classes at their respective schools. Some of the private aided/unaided schools made arrangements for online classes in April, 2020 however the same has not been universally made available and even cases where no online classes are being conducted the schools are charging normal fees and rather some schools have hiked the fees.
- Many of the said schools hiked their fees and/or started harassing the students' parents to pay the entire quarterly fees in advance despite the non-functioning of the schools and the students not availing any of the services provided by the schools.
- Respondents No.2 to 9 issued notifications/press release/orders/circulars whereby inter alia few states directed that private aided/unaided schools ought not to hike their fees in the times of the pandemic. The key aspects of such notifications is mentioned below in a tabular format for the convenience of this Hon'ble Court:

**TABLE NO.1**

<b>DIRECTION</b>	Total waiver of quarterly fees	Deferment of quarterly fees	Waiver of fees other than 'tuition fee'	Non-striking of student name in case of default in payment	No penalty in case of default in payment	No fee hike during the lockdown period	Categorization of students on the basis of their current financial soundness	Fee structuring proportionate to actual expense incurred for online class set-up	No hidden/additional fees under the garb of 'tuition' fees
<b>STATE</b>									
GUJARAT	✗	✓	✗	✓	✓	✓	✓	✗	✗
HARYANA	✗	✓	✓	✓	✓	✓	✗	✗	✓
MAHARASHTRA	✗	✓	✓	✓	✓	✓	✗	✗	✗
DELHI	✗	✓	✓	✓	✓	✓	✗	✗	✗
PUNJAB	✗	✗	✓	✓	✗	✓	✓	✗	✗
RAJASTHAN	✗	✓	✗	✓	✓	✗	✗	✗	✗
ODISHA	✗	✓	✗	✓	✓	✗	✓	✗	✗
UTTARAKHAND	✗	✗	✓	✗	✗	✗	✗	✗	✗

MADHYA PRADESH	✗	✓	✗	✓	✓	✓	✓	✗	✗
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- However, no substantial relief in the form of waiver of fees, or reduced fees, or proportionate fees as per actual expenditure etc. was granted to the students in most of the states, leaving their parents with a huge financial burden to bear, impliedly resulting in the children & student's right to life and education getting infringed and violated.
- It is further noteworthy that no specific provision/direction was issued by various states as mentioned above with regard to the 25% economically and socially backward/weaker students under the RTE Act, 2009.
- Subsequent to the issuance of the above notifications, the State of Madhya Pradesh and State of Karnataka have considering the adverse impact, pitfalls and health concerns have banned online education for children of tender age namely for students of std. Nursery to 5<sup>th</sup> Standard.

The Petitioners are the individual parents/guardians of such school students who seek the empathetic intervention from this Hon'ble Court on the below-mentioned grounds, to enable children & students of this country to emphatically exercise their fundamental right to education, especially in such trying times when the whole country is grappling with a devastating pandemic and the after effect it will leave for the foreseeable future:



**INFRINGEMENT OF RIGHT TO LIFE AND EDUCATION -  
ABSOLUTE NON-FUNCTIONING OF THE SCHOOLS  
DURING LOCKDOWN-FEES TO BE COLLECTED  
ACCORDINGLY-FINANCIAL STRESS OF THE PETITIONERS  
AND SIMILARLY SITUATED PARENTS IN THE COUNTRY-**

A. It is stated that the framers of the Constitution of India, well realizing that “Education is the backbone of India”, inserted Article 38, 39, 45, 41, etc. in the Directive Principles of State Policy to ensure that the educational needs are well catered to by the State. In 2002, vide the 86th Constitutional Amendment, Article 21A was included which guarantees free and compulsory education to children from six to fourteen years of age. A corresponding duty was levied upon the parents/guardians under Article 51 A (k). To give effect to the same, the Right of Children to Free and Compulsory Education Act (“RTE Act”) was promulgated in 2009 with a view to enhance the overall quality of education in the country. It is to be noted that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norm and standard. This the basic notion behind the enforcement of the RTE Act, which is an offshoot of the fundamental right to life (Article 21) and more specifically, right to education (Article 21A). There are various facets to the same, the most important ones being the quality of the education, and even the quantum of fees being charged. In case of the same being compromised or unreasonable, it becomes an inevitable hindrance in the child’s education, thereby leading to infringement of his/her fundamental right to life and education.

Thus requires due intervention of this Hon'ble Court to consider and pass appropriate directions to protect the Right to Education in event of inability in payment of fees due to financial hardships of a parent, the protection which is provided for in the Right to Education Act and the Constitution of India. Therefore a compassionate view of the matter ought to be taken with a view to pass appropriate orders taking into view various factors as enumerated in the present petition.

- B. It is to be noted that in view of the extreme contagious spread of the novel Corona Virus in India, the Central Government had announced a country wide lockdown on 25.03.2020 which led to absolute halt in all the economic sectors. Accordingly, various citizens (including the Petitioners) were at the receiving end of such economic calamity. At this juncture, it is important to note that unlike various private schools, the students' parents are not engaged in more than one vocation at a time, meaning thereby that they are worst hit by the said lockdown.
- C. Despite such financial crisis cited by the various parents as well as absolute non-functioning of any school and/or non-discharging of any service, no private aided/unaided school, (except a few small schools which has come to knowledge of the Petitioners through personal interactions, however the details of the same are not readily available) granted a waiver/ partial wavier of the entire school fees for such lockdown period commencing April, 2020. In such a situation, the duty of the Respondents becomes paramount. However, it is clear in view of the Table No.1 above, the Respondents have absolutely failed to address the true concerns of such parents, thereby failed to

protect the vital right to life and education of the children & students of this country as the effect of the pandemic post lockdown and effect on education has been lost sight of.

**ONLINE EDUCATION- LACK OF SPECIAL CONSIDERATION OF 25% EWS CATEGORY OF STUDENTS- INFERIOR QUALITY OF ONLINE EDUCATION- CBSE STATES IT TO BE OPTIONAL – CONSIDERTING PITFALLS AND ADVERSE IMPACT- ONLINE CLASSES BANNED BY KARNATAKA GOVT AND STATE OF MADHYA PRADESH FOR KINDERGARTEN TO 7<sup>TH</sup> STANDARD STUDENTS- NO SUCH REGUALTION IN OTHER STATES**

- D. It is to be noted that some of the said schools have mandatorily conducted online classes for the enrolled students. The commencement of these online classes have deprived 25% socially and economically backward students under the RTE Act, 2009 of their fundamental right as not only they are completely dependent upon the concerned governments for their all the expenditure for the education are borne by the concerned government but also they lack the basic resources (mobile, tablets, internet connection etc) required to access such online classes. It is important to note that after due consideration of various financial problems faced by student's parents, a key decision was taken by Karnataka State Department of Primary and Secondary Education on 10.06.2020 with regard to banning the online education for children from the classes-Kindergarten till 7<sup>th</sup> Standard as well as direction to all schools to not charge school fees in the name of online classes. However, the same has

not been implemented/directed for any other state except Karnataka and most recently the state of Madhya Pradesh. Also on the contrary State of Maharashtra has allowed the schools to conduct online classes from Class III to Class XII students for up to 3hrs session a day.

- E. Taking note of the hardship and discrimination caused to Students under the EWS Category and effects of the Right to Education Act and the adverse impact of online education, the State of Madhya Pradesh has vide notification dated 18.06.2020 (**Annexure-P27**) banned online education for students of Classes pre Primary to Classes 5<sup>th</sup> . However, no remedy is provided for regulation of fees proportionate to the same. Thus the assertion of the Petitioners that the Online education being run in unregulated manner, without considering the impact of the same on students, gains further credence and ought to be remedied by this Hon'ble Court.
- F. Furthermore, it is important to note that in the year 2017-2018, nearly 4.4% of the rural households and 23.4% of the urban households had computer, nearly 14.9% of the rural households and 42.0% of the urban households had internet facility. That in rural areas, among persons of age 5 years and above, 9.9% were able to operate a computer, 13.0% were able to use internet and 10.8% used internet during last 30 days. d. In urban areas, among persons of age 5 years and above, 32.4% were able to operate a computer, 37.1% were able to use internet and 33.8% used internet during last 30 days (relied upon *Key Indicators of Household Social Consumption on Education In India NSS 75TH Round-JULY 2017- JUNE 2018*).

Hence, it is evident that the online education is definitely not an effective tool in imparting quality education, especially in India's special circumstances. In view of the aforesaid facts, even the CBSE has made the online classes optional and not mandatory for all the students.

G. the school managements in absence of the physical/offline teachings are likely to incur minimal cost for the running of the school management, the parents and students have additional options of providing their wards online education through the various online portals launched by the central government (viz.Swayam) as well as many educational boards viz Central Board of Secondary Education have provided pre uploaded text as well as video content through virtual platforms prepared and supervised by the academic experts. The same as it appears is not even being considered by various schools and Governments in the country.

H. It is most humbly stated that the children & students might be exposed to hazards for the online education (viz exposure to bright screen, radiation of mobile, eye strain, poor eyes sight, back pain or spine injuries etc) & that need for uniform & safer guidelines all over the country for the implementation of the online education has become necessary, failure to do so by the competent authorities may result in innumerable cases of side effects of such uncontrolled & non regulated online education for the lacs of students country wide.

- I. In the absolute absence of the national policy or guidelines for the safety of the children from the side effects or hazardous effects of prolonged exposure to the online education through the electrical devices (mobile, tablets, laptops), the school management may in their quest for completing the syllabus or for like reasons may expose the children to serious hazards and irreparable losses to their eye sights and related health & hence it is of utmost importance that the Respondent No.1 to 9 be directed to form the national policy or guidelines keeping the health of the students at paramount importance.
- J. Because, it is not possible for each and every parent to supervise or provide an absolute attention to the behaviour of the students who would get access to the electronic devices with an internet facility, they may be subjected to the crimes of cyber bullying, sexual exploitation, extortion etc. a consideration of the same also ought to be taken into account, which appears to have been lost sight of and ought to be considered by this Hon'ble Court and appropriate directive may be issued in the same regard to various stake holders.
- K. Albeit the unsuccessful attempt of online education in achieving its aim i.e., proper quality education and development of the children, but yet the efforts cannot be lost sight of. Hence, at best the Petitioner and similarly placed parents may be charged for only the expenses which the school incurs for the conduct of such online classes. It is conceivable that the expenditure incurred by the school for conducting the physical classes (infrastructure, electricity, water, maintenance, staff etc.) is exponentially higher than the expense of the online classes. Yet,

M

the Petitioners are being constantly harassed to pay the entire tuition fees.

L. Furthermore, the additional financial stress upon few of the parents who have either lost their jobs/earned deducted/nil income during the lockdown period (post 25.03.2020) as compared to the income earned before March, 2020 may also be considered by such schools before demanding the quarterly fees. Turning the blind eye towards such grave situation is definitely a violation of the fundamental rights of the children, being arbitrary and unreasonable.

M. Moreover, few of the schools have also attempted to charge exorbitant and additional amounts under the garb of charging 'tuition' (and other) fees, which is an unethical and unnecessary practice, increasing the financial burden of the students' parents. Without prejudice, at best, the schools may continue to charge the actual cost incurred for such online classes only.

**DECLARATION OF MORATORIUM/DEFERMENT OF PAYMENT OF FEES/ NO PENAL CONSEQUENCES IN CASE OF DEFAULT- STUDENTS NOT TO BE EXPELLED FROM SCHOOLS FOR NON PAYMENT OF SCHOOL FEES**

N. Without prejudice, it is important to note that since the financial crunch is not short-lived for most of the Petitioners as the economic restrictions are being relaxed currently, it is assumed in anticipation that the financial stress would not ease out in the near future. Hence, it would be a wave of relief for the Petitioners even if waiver pertaining to the payment of quarterly

fees be implemented by the said schools under the governance of the Respondents.

O. Most importantly, it is to be noted that in today's day and age, admission process of a child in a school is very complex and highly competitive. Hence, expulsion/striking off of the students from the school's enrolment on account of any manner of default in payment of the school fee during the lockdown period commencing April, 2020 shall not only be fatal to the emotional and developmental state of such student but also, deprive such children of their vital right to life and education, which also finds its mention in Section 16 of the RTE Act. *[relied upon P.Sridhanya Vs. State of Karnataka, MANU/KA/4636/2019, Society for unaided private schools of Rajasthan Vs. Union of India, (2012) 6 SCC 1, Jayashree Vijay Mundaware Vs. The Principal/Head Mistress of Ashoka Universal School Chandsi/Wadala, 2015 (6) MhLJ 792 etc.]*

P. Further, any monetary penalty over and above the said school fees on account of default in payment of the same during lockdown period, commencing April, 2020 ought not to be levied upon by such schools which shall lead to an inevitable financial breakdown of the Petitioner and prove to be arbitrary and unreasonable, in view of the extraordinary circumstances the country as well as the entire world is dealing with.



- Q. It is imperative to note that the doctrine of 'Parens Patriae' is applicable to the common people of the state who are undisputedly the victims of this calamity and the Central and State Governments being the guardian of its residents must assume the role of parents and take all necessary steps to protect the rights and interests of its citizens. It is in this context that the right to life and education of the children of the country ought to be protected by the respective government by making arrangements to take care of their financial and developmental needs, especially during such trying times.
- R. This Hon'ble Court in *Charan Lal Sahu vs. Union of India, AIR 1990 SC 1480* while dealing with the concept of 'Parens Patriae' has held that the government has sovereign power of guardianship over persons who are not in a position to protect their rights and interests. Hence, it is the indispensable duty of the Respondents to protect the fundamental rights of the children of this country, which are being encroached upon at present.
- S. This Hon'ble Court and various High court's have in view of doctrine of Parens Patriae has acted as guardian of rights of Children and passed orders considering the children's interest as paramount consideration namely orders in the nature that in case of non-payment of fees. This Petitioner most respectfully prays that the invoking the same, this Hon'ble Court may pass appropriate orders which in view of this Hon'ble Court may deem appropriate evaluating the infringement of the fundamental right to education of children, which may be affected.

### NON-UNIFORMITY AMONGST THE VARIOUS STATES

T. It is important to note that various state governments and Hon'ble High Courts are implementing distinct and independent mechanisms with regard to the situation at hand leading to chaos and ambiguity amongst the Petitioners and many alike, thus some measures of protection are granted to children & students of some states and the same is absent for children & students of other states . The gist of the various orders passed by the different Hon'ble High Courts pertaining to the issue at hand is below mentioned:

- **Hon'ble High Court of Delhi:** Two orders were passed by the Hon'ble High Court in two separate writ petitions, whereby the challenge to payment of tuition fees during the lockdown period was dismissed, albeit without indulging into the issues of charging of consolidated fees, separate category of financially unsound parents, accessibility of online classes and the like.
- **Hon'ble High Court of Rajasthan:** The Hon'ble High Court dismissed the plea of waiver of school fees during the lockdown by observing the non-penal deferment of the said fees by the state, without indulging into the issues of different heads under the school fees, consolidated fee collected etc.
- **Hon'ble High Court of Uttarakhand:** Observing that the private schools were empowered to collect the tuition fee from the students only when they voluntarily opted for the online classes (and are able to access it) and not otherwise,

the Hon'ble High Court inter alia directed the State Government to appoint District Education Officer and Block Development Officer in each district to cater to the complaints of the parents in relation to the same. However, various other aspects were not discussed in the said order.

**Note:** A special leave petition bearing no. SLP (C) No. 6782/2020 was preferred by Principals Progressive Schools Association against the said order whereby this Hon'ble Court has been pleased to issue notice and the same is pending adjudication.

- **Hon'ble High Court of Punjab & Haryana:** In a challenge made to the State Government's notification to charge only the 'tuition fees', an interim order for collection of 70% of the entire school fees has been granted by the Hon'ble High Court and the matter is pending adjudication.
- **Hon'ble High Court of Odisha:** Notice has been issued in a PIL inter alia seeking waiver of school fees during the lockdown period, and the said case is pending adjudication. An interim order has been issued to not to deprive the students, in default of the payment of fees, to attend online classes, during the pending of the said matter.

At the same breath, it is important to take note of the interim order dated 03.06.2020 passed by the **Hon'ble High Court of Kerala** in W.P. (C) No. 10867 of 2020 whereby an empathetic approach was taken by the Hon'ble Court with regard to levying of 'additional fees' for

conduct of the online classes. Observing the sacrosanct nature of 'right to education' and Right to Education Act, 2009, a stay was granted against the said practice. The said matter is pending adjudication.

- **Hon'ble High Court of Madhya Pradesh** bench at Indore vide order dated 15.06.2020 in W.P No. 8025 of 2020 has also passed an interim order directing that the schools will not be charging any towards un incurred expenditure during the period of lockdown till the schools are closed such as transportation and mess etc. and has posted the matter for further directions.

U. Hence, it is the need of the hour to consolidate the said guidelines/directions/orders that have been passed by the various states and respective courts to come to an integrated reasonable fee structuring and collection mechanism effective during such lockdown period and thereafter, so as to achieve a harmonious result which shall be uniform across the nation.

V. Pursuant to above, this Hon'ble Court may intervene to itself issue integrated guidelines and/or if so deem fit and necessary in view of this Hon'ble court may constitute a committee, preferably with each state's head of Department of Education and other stakeholders as members therein, to formulate, implement and regulate the school fee structuring and collection mechanism at a pan-India level.

W. The aforesaid committee formation gains even more importance in the wake of current pandemic situation, whereby the process of fixation of fees is impossible to run in its normal course of action all over the country viz. Maharashtra Educational Institution Regulation of Fee Act 2011 makes the formation of the Parent Teacher Association's Executive Committee mandatory under its enabling provisions, meetings of the school management and members of such committee and also submission of the many documents by the school management which are in voluminous forms, video shooting of the entire fee fixation procedure etc. are impossible to take place in current pandemic situation.

In view of the aforesaid circumstances, it is in the interest of justice and to protect the fundamental right to life and education of the school going children & students enrolled up to class XII to grant the reliefs as prayed for. Therefore, the present petition.

#### **LIST OF DATES**

- 11.03.2020      The World Health Organisation announced the novel coronavirus disease-COVID-19 as a pandemic.
- 24.03.2020      That National Disaster Management Authority vide an order dated 24.03.2020 and pursuantly the Ministry of Home Affairs, Govt. of India vide an order dated 24.03.2020, in exercise of the powers conferred under Section 10(2)(1) of the Disaster Management Act, ordered all the State/UT Governments for strict

implementation of the directions

25.03.2020 That as a preventive measure to fight this pandemic, the Govt. of India ordered lockdown of the entire nation from March 25<sup>th</sup> 2020, and directed all the offices (both govt. and private), institutions (including educational institutions, establishments (commercial and private) etc. to remain closed and the same have been extended from time to time, as a result of which now the lockdown period has been prolonged up to 31<sup>st</sup> May 2020.

April- Many of the said schools planned to hike their  
May,2020 quarterly fees and/or started harassing the students' parents to pay the entire quarterly fees despite the non-functioning of the schools and the students not availing any of the services provided by the schools.

Respondent No.2 to 9 issued notifications/press release/orders/circulars whereby inter alia few states directed that the private aided/unaided schools ought not to hike their fees in the times of the pandemic.

However, no substantial relief in the form of waiver of fees, or reduced fees etc. was granted to the students in most of the states, leaving their parents with a huge financial burden to

bear, impliedly resulting in the children's & students enrolled up to class XII right to life and education getting infringed and violated.

23.06.2020 Being aggrieved, the present writ petition is being filed by the individual parents/guardian of the students enrolled in the various private aided/unaided schools.

Hence the present writ petition.

IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL WRIT JURISDICTION  
(ORDER XXXVII, S.C.R, 2013)  
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA  
WRIT PETITION (CIVIL) No. OF 2020

BETWEEN :

1. Mr. Sushil Sharma  
Aged About :55 years  
S/o Late Sh. Hari Kishan Sharma,  
Address: 8/349, Malviya Nagar,  
Jaipur-302017 (Rajasthan) ... Petitioner No.1
  
2. Dr. Gagan B Rout  
S/o Late Nidhi Rout,  
Aged : 65 years  
Address: Plot No.484,  
Nayapalli-751012 (Odisha) ... Petitioner No.2
  
3. Varun Khanna  
S/O Naresh Khanna,  
Aged : 37 years  
Address: 272, Green Field, Majitha Road,  
Amritsar-143001 (Punjab) ... Petitioner No.3
  
4. Gaurav Barot  
S/O Manilal Barot,  
Aged 43 years



Address: W-208, Venus Parkland,  
Vejalpur, Ahmedabad – 380051 (Gujarat) ... Petitioner No.4

5. Kailash Chand

S/O Mr. Rohtas Singh,

Aged 41 years

Address: 109-A, Vikas Nagar,

Gali No 6, Budhpur Road,

Rewari- 123401 (Haryana)

... Petitioner No.5

6. Arif Khan

S/O Late. Mr. Ashraf Khan,

Aged 40 years

Address: RenbowVihar, Tapovan Road,

Near Jagdamba Gas Agency, Nalapani Chowk,

Sahastrdhara Road, Adhoiwala,

Dehradun -248008 (Uttarakhand)

... Petitioner No.6

7. Attul Raheja

S/O Late Sh. Ram Prakash Raheja,

Aged 39 years

Address: 14/150 Geeta Colony,

Delhi-110031

...Petitioner No.7

8. Mr. Prasad Tulaskar

S/O Mr. Babaji Tulaskar

Aged 51 years

Address-20, Parshuram Buillding,

Behind CKP Hall,  
Ram Maruti Road, Dadar (W),  
Mumbai, Maharashtra - 400028

... Petitioner No.8

9. Rajesh Madhukarrao Badanakhe

S/o Mudhukarrao Badanakhe

Aged 48 years

Address- Flat No.12 Shrilekha Apartment,

Shriram chowk Indira Nagar,

Nashik, Maharashtra -422009

...Petitioner No.9

10. Sanjay Keshav Joshi

S/o Keshav Joshi

Aged 48 years

Address: Flat No.10, Rakhi Co Op Society,

Plot No.31, Rambaug Colony,

Paud Road, Kothrud,

Pune-411038, Maharashtra

...Petitioner No.10

Versus

1. Union of India

Through Secretary,

Ministry of Human Resource Development

Having its address at:

1, West Block, Rama Krishna Puram,

New Delhi-110066

...Respondent No.1

2. State of Rajasthan

Through Director of Education,  
Directorate of Education,  
Lalgarh Palace,  
Bikaner-334001 (Rajasthan)

...Respondent No.2

3. State of Odisha

Through Principal Secretary,  
Department of School & Mass Education  
Keshari Nagar,  
Bhubaneswar- 751001 (Odisha)

...Respondent No.3

4. State of Gujarat

Through Principal Secretary,  
Education Department  
Block No. 5, 8th Floor, Sachivalaya,  
Gandhinagar-382010 (Gujarat)

...Respondent No.4

5. State of Punjab

Through Secretary,  
Department of School Education  
Vidya Bhawan (Punjab School Education Board)  
Block E , 5th Floor, Phase-VIII  
SAS Nagar, Mohali-160062 (Punjab)

...Respondent No.5

6. New Capital Territory of Delhi

Through Director of Education,

Delhi Directorate of Education  
Room No.12 Old Secretariat,  
Near Vidhan Sabha Metro Station,  
Civil Lines, Delhi 110054

...Respondent No.6

7. State of Maharashtra

Through Additional Chief Secretary  
School Education and Sports Department  
Mantralaya, Churchgate,  
Mumbai- 400020 (Maharashtra)

...Respondent No.7

8. State of Uttarakhand

Through Director General of School Education,  
Department of School Education  
Tapovan Enclave, Tarla Amwala,  
Dehradun- 248001 (Uttarakhand)

... Respondent No.8

9. State of Madhya Pradesh

Through Chief Secretary,  
Department of School Education  
Mantralaya Vallabh Bhawan,  
Bhopal-462004 (Madhya Pradesh)

..Respondent No.9

10. National Independent Schools Alliance

Through Secretary,

G-43, Second Floor,  
Green Park - Main Market,  
New Delhi – 110016

..Respondent No.10

11.Action Committee of Unaided Recognised Private School

Through General Secretary,  
C/0 Bal Bharati Public School,  
Pitampura, Delhi- 110 034

...Respondent No.11

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA SEEKING A WRIT OF MANDAMUS, ORDER, DIRECTION DIRECTING THE RESPONDENTS AND/OR ALL THE STATES OF INDIA TO ISSUE A NOTIFICATION /TO ENSURE ALL THE PRIVATE UNAIDED/AIDED SCHOOLS TO NOT CHARGE ANY FEES WHATSOEVER/ CHARGE PROPORTIONATE FEES TO EXPENSES FROM THE ENROLLED STUDENTS OF SUCH SCHOOLS FOR A PERIOD STARTING FROM 01.04.2020 TILL THE COMMENCEMENT OF OFFLINE/PHYSICAL SCHOOL CLASSES OR NOT TO REMOVE THE STUDENTS OF THE SCHOOL FROM THE FOR NON PAYMENT OF SCHOOL FEES FOR INCAPACITATED PARENTS DUE TO COUNTRY-WIDE LOCKDOWN IMPLEMENTED AND THE SURGE OF COVID-19 PANDEMIC AND FURTHER REGULATION OF ONLINE EDUCATION AND IMPACT OF THE SAME AND OTHER RELIEFS AS PRAYED FOR.

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS  
COMPANION JUDGES OF THE SUPREME COURT OF INDIA

## THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

**Most respectfully showeth:**

1. The Petitioners belonging to different states of the country have come together being constrained to approach this Hon'ble Court seeking inter alia the protection of fundamental right to life as well as education guaranteed under the Constitution of India, 1950 which the children's & students enrolled up to class XII of various Indian states are being deprived of due to supervening factors namely, the ongoing pandemic- COVID-19 period and sustained financially incapacitated parents to bear the brunt of the fees of the children & students enrolled up to class XII, even after being faced with constant financial and emotional hardships leaving a few with no option but to withdraw their children or students from seeking institutional/school education for an unforeseeable period of time. The Petitioners are also aggrieved apart from other issues as raised in the present petition by the unorganised and adversely influencing education imparted in the name of online classes, without addressing the supervening factors of incapacity of 25% EWS category Students, adverse impact of education of children of unregulated

online education for students of Std. Nursery to 5<sup>th</sup> and for other students as well.

2. The Petitioner No.1 is parent of Vedang Sharma, Class XI, student of St. Anslem's Pink City Sr. Sec. School, Calgary Road, Malviya Nagar, Jaipur.
3. Petitioner No.2 is grandfather/guardian of (a) Sanjana Chhotaray :Std.XII(2019-20), (b)Aasriya Rout: STD.X (2019-20), (c) Pratyush Kumar Rout: STD XII (2019-20), (d) Divyasha Rout: STD-1 (2020-21), all students of at DAV Public School, Unit-8, Bhubaneswar – 751012, Odisha.
4. Petitioner No.3 is parent of (a) Sabhya Khanna: Class IV, studying at Spring Dale Senior School, Fatehgarh, Churian Road, Amritsar-143001, and (b) Myra Khanna: Class KG, student of Spring Blossom School, Fatehgarh, Churian Road, Amritsar-143001. The Petitioner No.3 is a Para-Legal Volunteer at District Legal Services Authority and President of Amritsar Parents Welfare Associations which is a duly Registered Society under the Society Registration Act 1860.
5. Petitioner No.4 is parent of (a) Nimay Barot: Class 5 and (b)Raynav Barot: Class 1, both students of at Shanti Asiatic School, Opp. Vraj

Gardens, off S.P. Ring Road, Shela, Bopal, Ahmedabad – 380058, Gujarat.

6. Petitioner No.5 is parent of Mr. Kamal Kant, student of Holy Child School, Circular Road, Rewari, Haryana.
7. Petitioner No.6 is parent of (a)Aaliyah khan: Class I, student of Bachpan School and (b)Ishaan Khan, Class VI, student of Raksha Anusandhan Vidhyalaya, Dehradun.
8. Petitioner No.7 is parent of Ms. Aanya Raheja, Class IV, student of ASN Senior Secondary School, Mayur Vihar, Delhi 110091.The petitioner is also a General Secretary of Delhi Schools Parents' Association (DSPA) which aims bridging the gap or disparity in the society through various initiatives on education, healthcare and livelihood since past three years.
9. The Petitioner No.8 is parent of Mr.Gaurav Prasad Tulaskar, student of Sane Guruji English Medium School, Bhikoba Waman Pathare Marg, Shivaji Park, Dadar (W), Mumbai, Maharashtra - 400028.
10. Petitioner No. 9 is parent of (a) Apurwa Badanakhe and (b)Ishwari Badanakhe, both students of Cambridge School, Wadala Pathardi Road India Nagar, Nashik, Maharashtra-422009.



11. Petitioner No.10 is parent of Mr. Shivam Sanjay Joshi, student of Maeers Mit Vishwashanti Gurukul School, 127/A1, Paud Road, Kothrud, Pune 411038, Maharashtra.
  
12. Respondent No.1 herein is the Union of India through the Ministry of Human Resource Development which is responsible for the development of human resources in India and all the activities in relation to education are under its governance and hence is a necessary party herein for due and proper adjudication of the present petition.
  
13. Respondent No.2 to 9 are the respective State Governments through their Directorate/Department of Education which are responsible for development of human resources in their respective state and all the actions of the private aided/unaided schools are directly governed by the said departments. Further, the various notifications under consideration are also issued by the said Respondents, which shall be dealt in detail forthwith.
  
14. Respondent Nos.10 and 11 are independent organizations/bodies which are engaged in representing various private sector schools across the country and the said parties have been arrayed herein to

avoid multiplicity of parties as well as to get a cumulative representation of all the private sector schools in the country, as far as possible and as per the best of the knowledge of the Petitioners. More than 10-15 Thousand schools through the country are member of Respondent Nos.10-11. The Petitioners crave the leave of this Hon'ble Court to add/amend the memo of parties as and when required and directed by this Hon'ble Court during the course of proceedings.

**SCHOOLS WHERE THE WARDS OF THE PETITIONER  
STUDY NOT MADE A PARTY**

**Note:** The petitioners have not made the schools in which their wards are studying a party to present Petition as the same is aimed for general reliefs as prayed for and to avoid multiplicity of parties to the present writ petition. Further, the Petitioners to best of the ability and information have made all India level representative body of Schools as party to the present petition so as not to adversely affect the right to schools for a proper representation. In case this Hon'ble Court is of the view that the Petitioner's ought to implead the respective schools a party to the present petition as well, the petitioners crave leave of this Hon'ble Court to implead the same at appropriate stage as directed by this Hon'ble Court.

**Brief facts of the Case:**

15. That National Disaster Management Authority vide an order dated 24.03.2020 and pursuantly the Ministry of Home Affairs, Govt. of India vide an order dated 24.03.2020, in exercise of the powers conferred under Section 10(2)(1) of the Disaster Management Act, ordered all the State/UT Governments for strict implementation of the directions. It is noteworthy that even though formally the lockdown may have been lifted but there is no commencement of normalcy and for a foreseeable future physical classes for children appear a distant dream.

True typed copy of the Order dated 24.03.2020 passed by the National Disaster Management Authority is annexed herewith and marked as **Annexure P-1 (at page 51 to 52).**

True Typed copy of the order dated 24.03.2020 passed by the Ministry of Home Affairs is annexed herewith and marked as **Annexure P-2(at page 53 to 54 ).**

16. That as a preventive measure to fight this pandemic, the Govt. of India ordered lockdown of the entire nation from March 25<sup>th</sup> 2020, and directed all the offices (both govt. and private),

institutions (including educational institutions, establishments (commercial and private) etc. to remain closed and the same have been extended from time to time, as a result of which now the lockdown period has been prolonged up to 31<sup>st</sup> May 2020.

True typed copy of the order dated 26.03.2020 passed by the Ministry of Home Affairs is annexed herewith and marked as **Annexure P-3(at page 55 to 56 )**.

True typed copy of the order dated 17.05.2020 passed by the Ministry of Home Affairs is annexed herewith and marked as **Annexure P-4(at page 57 to 58)**.

17. That since the declaration of the lockdown, people across the nation are decreed to stay at home, and are fronting enormous financial crises as their earning sources are completely blocked, while rates of essential goods and services abruptly increased. There are millions of families which are surviving at the mercy of the state agencies.
18. That the lockdown owing to Covid-19 can be viewed as an economic tsunami as it did not only hamper all the economic activities, but also jeopardized the country's financial sustainability along with unbracing enormous human sufferings

unseen for decades, and presently when once again the lockdown is looking inevitable due to the exponential increase in the Covid-19 infection rate, there is every possibility that this lockdown, if it happens, will extend for a longer duration than the previous one. And the likelihood of the crisis to turn from bad to worse is foreseeable.

19. That with the extended lockdown, hardships — mentally, emotionally and financially — have already initiated for the people. The aftermaths of Covid-19, on economy in general and on a common man in particular, can be seen extensively : a vicious cycle of zero production (in all the sectors — be it primary, secondary or tertiary — agriculture, poultry, animal farming, meat, automobiles, apparel and garments, manufacturing units, construction, real estate, jewellery, media, travel and tourism, hospitality, restaurants, catering, food industry, retail, advertisement, entertainment, IT, BPO, salons, events, certain medical services et al and all associated industries/ services), zero sale/ income, and consequent large scale retrenchments/ curtailing of staff and migration are already apparent.

20. That, in spite of such dismal circumstances, private schools have been constantly harassing parents to charge advance quarterly fees, while some have increased the fees or were planning to do the same.

True typed copy of the letter dated 01.06.2020 issued by Alexandra School, Amritsar is annexed herewith and marked as

**Annexure P-5(at page 59 to 60).**

True typed copy of the letter dated 01.06.2020 issued by Euro International School, Sikar (Raj.) is annexed herewith and marked as **Annexure P-6(at page 61 to 63 )**.

**Note:** The aforesaid letters are only indicative in nature as to the schools' fee demand mannerisms.

21. Many of the schools have commenced the online classes in ignorance of its utility, environment of learning, sustainability, consistency, quality of teaching (while Board exams were not completed and students do not know which stream they are likely to be allotted; not advisable to the students up to the age of 17 years due to long term health hazards; students have no text books and stationery (in some cases even teachers have no books) so they are unable to perceive the context; many have no

laptops, even not smart phones – particularly those belonging to RTE category; for two or more students from the same family, they are required to have more devices while their parents also have to furnish their assignments from home; failure to connect or frequent interruptions due to network congestion; no previous knowledge of online teaching; monologue method rather than interactive communication, hence no monitoring and reciprocity; no effective mechanism of evolution of status of learning are the factors for which some chapters will have to be retaught in offline classes while CBSE itself is revising and curtailing the curriculum; it is unreasonable to teach practical subjects like music and sports online; and above all, there is no predefined uniform SOP (Standard Operating Procedure), and hence, schools are running online classes arbitrarily, yielding no/distorted results and additional financial burden of data. In fact, virtual education can be an auxiliary method to real classroom teaching, not its replacement.

22. Respondent No.2 to 9 issued notifications/press release/orders/circulars whereby inter alia few states directed that the private aided/unaided schools ought not to hike their fees in the times of the pandemic. The key aspects of such notifications

is mentioned below in a tabular format for the convenience of this Hon'ble Court:

**TABLE No.1**

DIRECTION STATE	Total waiver of quarterly fees	Deferment of quarterly fees	Waiver of fees other than 'tuition fee'	Non-striking of student name in case of default in payment	No penalty in case of default in payment	No fee hike during the lockdown period	Categorization of students on the basis of their current financial soundness	Fee structuring proportionate to actual expense incurred for online	No hidden/additional fees under the garb of 'tuition' fees
GUJARAT	✗	✓	✗	✓	✓	✓	✓	✗	✗
HARYANA	✗	✓	✓	✓	✓	✓	✗	✗	✓
MAHARASHTRA	✗	✓	✓	✓	✓	✓	✗	✗	✗
DELHI	✗	✓	✓	✓	✓	✓	✗	✗	✗
PUNJAB	✗	✗	✓	✓	✗	✓	✓	✗	✗
RAJASTHAN	✗	✓	✗	✓	✓	✗	✗	✗	✗
ODISHA	✗	✓	✗	✓	✓	✗	✓	✗	✗
UTTARAKHAND	✗	✗	✓	✗	✗	✗	✗	✗	✗



MADHYA PRADESH	✘	✓	✘	✓	✓	✓	✓	✘	✘
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True Typed copy of the e-news article published by Times of India dated 26.03.2020 reporting about the order passed by the State Government of Uttarakhand is annexed herewith and marked as **Annexure P-7(at page 64 to 65 )**.

True Typed copy of the press release dated 09.04.2020 published by the State Government of Rajasthan is annexed herewith and marked as **Annexure P-8 (at page 66 to 67 )**.

True typed copy of the public notice issued by the Chief Minister Office of State Government of Odisha via Twitter on 10.04.2020 is annexed herewith and marked as **Annexure P-9(at page 68)**.

True Typed copy of the e-news article published by Times of India dated 13.04.2020 reporting about the order passed by the State Government of Gujarat is annexed herewith and marked as **Annexure P-10(at page 69 to 70)**.

True Typed copy of the notification dated 17.04.2020 passed by the Directorate of Education, Govt. NCT of Delhi is annexed herewith and marked as **Annexure P-11(at page 71 to 78 )**.

True Typed copy of the notification dated 18.04.2020 passed by the Directorate of Education, Govt. NCT of Delhi is annexed herewith and marked as **Annexure P-12(at page 79 to 86)**.

True Translated copy of the circular dated 23.04.2020 issued by the Directorate Secondary Education, State Government of

Haryana is annexed herewith and marked as **Annexure P-13(at page 87 to 89 )**.

True Translated copy of the circular dated 24.04.2020 issued by the State Government of Madhya Pradesh is annexed herewith and marked as **Annexure P-14(at page 90 to 91 )**.

True Translated copy of the circular dated 08.05.2020 issued by the State Government of Maharashtra is annexed herewith and marked as **Annexure P-15(at page 92 to 95)**.

True Typed copy of the circular dated 14.05.2020 passed by the State Government of Punjab is annexed herewith and marked as **Annexure P-16(at page 96 to 98 )**.

23.However, no substantial relief in the form of waiver of fees, or reduced fees etc. was granted to the students in most of the states, leaving their parents with a huge financial burden to bear, impliedly resulting in the children's & students enrolled up to class XII right to life and education getting infringed and violated. It is further noteworthy that no specific provision/direction was issued by various states as mentioned above with regard to the 25% economically and socially backward/weaker student under the RTE Act, 2009

24.It is important to note that various state governments and Hon'ble High Courts are implementing distinct and independent

mechanisms with regard to the situation at hand leading to chaos and ambiguity amongst the Petitioners and many alike. The gist of the various orders passed by the different Hon'ble High Courts pertaining to the issue at hand is below mentioned:

- Hon'ble High Court of Delhi: Two orders were passed by the Hon'ble High Court in two separate writ petitions, whereby the challenge to payment of tuition fees during the lockdown period was dismissed, albeit without indulging into the issues of charging of consolidated fees, separate category of financially unsound parents, accessibility of online classes and the like.

True Typed copy of the order dated 24.04.2020 passed by the Hon'ble High Court of Delhi in W.P. No. 2993 of 2020 is annexed herewith and marked as **Annexure P-17(at page 99 to 122).**

True Typed copy of the order dated 20.04.2020 passed by the Hon'ble High Court of Delhi in W.P. No. 2977 of 2020 is annexed herewith and marked as **Annexure P-18(at page 123 to 127).**

- Hon'ble High Court of Rajasthan: The Hon'ble High Court dismissed the plea of waiver of school fees during the lockdown

by observing the non-penal deferment of the said fees by the state, without indulging into the issues of different heads under the school fees, consolidated fee collected etc.

True Typed copy of the order dated 14.05.2020 passed by the Hon'ble High Court of Judicature at Rajasthan in D.B. Civil (PIL) Writ Petition No. 5338/2020 is annexed herewith and marked as **Annexure P-19(at page 128 to 130 )**.

- Hon'ble High Court of Uttarakhand: Observing that the private schools were empowered to collect the tuition fee from the students only when they voluntarily opted for the online classes (and are able to access it) and not otherwise, the Hon'ble High Court inter alia directed the State Government to appoint District Education Officer and Block Development Officer in each district to cater to the complaints of the parents in relation to the same. However, various other aspects were not discussed in the said order.

**Note:** A special leave petition bearing no. SLP (C) No. 6782/2020 was preferred by Principals Progressive Schools Association against the said order whereby this Hon'ble Court

has been pleased to issue notice and the same is pending adjudication.

True Typed copy of the order dated 12.05.2020 passed by the Hon'ble High Court of Uttarakhand at Nainital in Writ Petition (PIL) No. 59/2020 and Writ Petition (PIL) No. 60/2020 is annexed herewith and marked as **Annexure P-20(at page 131 to 136).**

True typed copy of the order dated 27.05.2020 passed by this Hon'ble Court in SLP (C) No. 6782/2020 is produced herewith as **Annexure P-21 (at page 137 to 139).**

- Hon'ble High Court of Odisha: Notice has been issued in a PIL inter alia seeking waiver of school fees during the lockdown period, and the said case is pending adjudication. An interim order has been issued to not to deprive the students, in default of the payment of fees, to attend online classes, during the pending of the said matter.

True Typed copy of the order dated 24.04.2020 passed by the Hon'ble High Court of Odisha in W.P.(C) No. 11299 of 2020 is annexed herewith and marked as **Annexure P-22 (at page 140).**

True Typed copy of the order dated 26.05.2020 passed by the Hon'ble High Court of Odisha in W.P.(C) No. 11299 of 2020 is

annexed herewith and marked as Annexure P-23(at page 141 to 142).

- **Hon'ble High Court of Punjab & Haryana:** In a challenge made to the State Government's notification to charge only the 'tuition fees', an interim order for collection of 70% of the entire school fees has been granted by the Hon'ble High Court and the matter is pending adjudication.

True Typed copy of the order dated 22.05.2020 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh in WCP No. 7409/2020 (O&M) is produced herewith as Annexure P-24 (At page 143 to 145).

At the same breath, it is important to take note of the interim order dated 03.06.2020 passed by the **Hon'ble High Court of Kerala** in W.P. (C) No. 10867 of 2020 whereby an empathetic approach was taken by the Hon'ble Court with regard to levying of 'additional fees' for conduct of the online classes. Observing the sacrosanct nature of 'right to education' and Right to Education Act, 2009, a stay was granted against the said practice. The said matter is pending adjudication.

True Typed copy of the order dated 03.06.2020 passed by the Hon'ble High Court of Kerala in W.P. (C) No. 10867 of 2020 is annexed herewith and marked as **Annexure P-25 (At page 146 to 147).**

- Further, the Hon'ble High Court of Madhya Pradesh bench at Indore vide order dated 15.06.2020 in W.P No. 8025 of 2020 has also passed an interim order directing that the schools will not be charging any fees towards un incurred expenditure during the period of lockdown till the schools are closed such as transportation and mess etc. and has posted the matter for further directions. The true typed copy of the order dated 15.06.2020 in W.P No. 8025 of 2020 passed High Court of Madhya Pradesh bench at Indore is produced as **Annexure- P26 (at page 148 to 152 ).**

Thus, in view of the above variance of views between various High Courts, it is only this Hon'ble Court which can pass appropriate directions in the matter so as to bring uniformity of action in the existing adverse situation in the country as regards the education of children is concerned, which has in effect lead to

discrimination amongst the same classes of students in the country as some fruitful directions exist in some state and the same is absent in another.

25. As the situation stood thus taking note of the hardship and discrimination caused to Students under the EWS Category and effects of the Right to Education Act and the ill effects of online education, the State of Madhya Pradesh has vide notification dated 18.06.2020 banned online education for students of Classes pre Primary to Classes 5<sup>th</sup>. The true translated copy of the notification dated 18.06.2020 bearing SNo ./Ni. SA /Commissioner/M.P.St.Sh.A.Pra.P/2020/25 issued by the State Education Centre (State of MP) is produced as **Annexure-P27 (at page\_153 to 154 )**.
26. The Petitioners are the individual parents/guardians of such school students who seek the empathetic intervention from this Hon'ble Court on the below-mentioned grounds, to enable children of this country to emphatically exercise their fundamental right to education, especially in such trying times



when the whole country is grappling with a devastating pandemic

### GROUNDS

A. Because the framers of the Constitution of India, well realizing that “Education is the backbone of India”, inserted Article 38, 39, 45, 41, etc. in the Directive Principles of State Policy to ensure that the educational needs are well catered to by the State. In 2002, vide the 86th Constitutional Amendment, Article 21A was included which guarantees free and compulsory education to children from six to fourteen years of age. A corresponding duty was levied upon the parents/guardians under Article 51 A (k). To give effect to the same, the Right of Children to Free and Compulsory Education Act (“RTE Act”) was promulgated in 2009 with a view to enhance the overall quality of education in the country. It is to be noted that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norm and standard. This is the basic notion behind the enforcement of the RTE Act, which is an offshoot of the fundamental right to life (Article 21) and more specifically, right to education (Article

21A). There are various facets to the same, the most important ones being the quality of the education, and even the quantum of fees being charged. In case of the same being compromised or unreasonable, it becomes an inevitable hindrance in the child's education, thereby leading to infringement of his/her fundamental right to life and education. Thus requires due intervention of this Hon'ble Court to consider and pass appropriate directions to protect the Right to Education in event of non/ inability in payment of fees, the protection which is provided for in the Right to Education Act and the Constitution of India;

B. Because in view of the extreme contagious spread of the novel Corona Virus in India, the Central Government had announced a country wide lockdown on 25.03.2020 which led to absolute halt in all the economic sectors. Accordingly, various citizens (including the people alike Petitioners) were at the receiving end of such economic calamity. At this juncture, it is important to note that unlike various private schools, the students' parents are not engaged in more than one vocation at a time, meaning thereby that they are worst hit by the said lockdown; and thereby would create adverse impact on the education of such children;

C. Because despite such financial crisis cited by the various parents as well as absolute non-functioning of any school and/or non-discharging of any service, no private aided/unaided school, (except a few small schools which has come to knowledge of the Petitioners through personal interactions, however the details of the same are not readily available) granted a waiver of the entire school fees for such lockdown period commencing April, 2020. In such a situation, the duty of the Respondents becomes paramount. However, it is clear in view of the Table No.1 above, the Respondents have absolutely failed to address the concerns of such parents, thereby failed to protect the vital right to life and education of the children of this country.

D. Because, without prejudice, it is to be noted that some of the said schools have mandatorily conducted online classes for the enrolled students. The commencement of these online classes have deprived 25% socially and economically backward students under the RTE Act, 2009 of their fundamental right as not only they are completely dependent upon the concerned governments for their all the expenditure for the education are borne by the concerned government but also they lack the basic resources (mobile, tablets, internet connection etc) required to access such

online classes. It is important to note that after due consideration of various financial problems faced by student's parents, a key decision was taken by Karnataka State Department of Primary and Secondary Education on 10.06.2020 with regard to banning the online education for children from the classes-Kindergarten till 7<sup>th</sup> Standard as well as direction to all schools to not charge school fees in the name of online classes. However, the same has not been implemented/directed for any other state except Karnataka. similar decision is also taken by the state of Madhya Pradesh however, there is no direction as regards the not charging of the fees during the said period. Also on the contrary State of Maharashtra has allowed the schools to conduct online classes from Class II to Class XII students for up to 3hrs a day & even the offline classes too by taking the Safety Certificate from the concerned authorities.

- E. Because in the year 2017-2018, nearly 4.4% of the rural households and 23.4% of the urban households had computer, nearly 14.9% of the rural households and 42.0% of the urban households had internet facility. That in rural areas, among persons of age 5 years and above, 9.9% were able to operate a computer, 13.0% were able to

use internet and 10.8% used internet during last 30 days. 32.4% were able to operate a computer, 37.1% were able to use internet and 33.8% used internet during last 30 days (relied upon *Key Indicators of Household Social Consumption on Education In India NSS 75TH Round-JULY 2017- JUNE 2018*). Hence, it is evident that the online education is definitely not an effective tool in imparting quality education, especially in India's special circumstances. In view of the aforesaid facts, even the CBSE has made the online classes optional and not mandatory for all the students.

F. Because, albeit the unsuccessful attempt of online education in achieving its aim i.e., proper quality education and development of the children, but yet the efforts cannot be lost sight of. Hence, at best the Petitioner and similarly placed parents may be charged for only the expenses which the school incurs for the conduct of such online classes. It is conceivable that the expenditure incurred by the school for conducting the physical classes (infrastructure, electricity, water, maintenance, staff etc.) is exponentially higher than the expense of the online classes. Yet,

the Petitioners and similarly placed parents are being constantly harassed to pay the entire tuition fees along with other fees.

G. Taking note of the hardship and discrimination caused to Students under the EWS Category and effects of the Right to Education Act and the adverse impact of online education, the State of Madhya Pradesh has vide notification dated 18.06.2020 (**Annexure-P27**) banned online education for students of Classes pre Primary to Classes 5<sup>th</sup> . Also on the contrary State of Maharashtra has allowed the schools to conduct online classes from Class II to Class XII students for up to 3hrs a day & even the offline classes too by taking the Safety Certificate from the concerned authorities. Thus the assertion of the Petitioners that the Online education being run in unregulated manner gains further credence and ought to be remedied by this Hon'ble Court.

H. Because, the school managements in absence of the physical/offline teachings are likely to incur minimal cost for the running of the school management, the parents and students have additional options of providing their wards online education through the various online portals launched by the central government (viz.Swayam) as well as many educational boards

viz Central Board of Secondary Education have provided pre uploaded text as well as video content through virtual platforms prepared and supervised by the academic experts. The same as it appears is not even being considered by various schools and Governments in the country.

- I. It is most humbly stated that the children might be exposed to hazards for the online education (viz exposure to bright screen, radiation of mobile, eye strain, poor eyes sight, backache or spine disorders etc) & that need for uniform & safer guidelines all over the country for the implementation of the online education has become necessary failure to do so by the competent authorities may result in innumerable cases of side effects of such uncontrolled & non regulated online education for the lacs of students country wide.
- J. In the absolute absence of the national policy or guidelines for the safety of the children from the side effects or hazardous effects of prolonged exposure to the online education through the electrical devices (mobile, tablets, laptops), the school management may in their quest for completing the syllabus or for like reasons may expose the children to serious hazards and

irreparable losses to their eye sights and related health & hence it is of utmost importance that the Respondent No.1 to 9 be directed to form the national policy or guidelines keeping the health of the students at paramount importance.

K. Because, it is not possible for each and every parent to supervise or provide an absolute attention to the behaviour of the students who would get access to the electronic devices with an internet facility, they may be subjected to the crimes of cyber bullying, sexual exploitation, extortion etc. a consideration of the same also ought to be taken into account, which appears to have been lost sight of and ought to be considered by this Hon'ble Court and appropriate directive may be issued in the same regard to various stake holders.

L. Because, the additional financial stress upon few of the parents who have either lost their jobs/earned deducted/nil income during the lockdown period (post 25.03.2020) as compared to the income earned before March, 2020 may also be considered by such schools before demanding the quarterly fees. Turning the blind eye towards such grave situation is definitely a violation of



the fundamental rights of the children, being arbitrary and unreasonable.

M. Because, few of the schools have also attempted to charge exorbitant and additional amounts under the garb of charging 'tuition' (and other) fees, which is an unethical and unnecessary practice, increasing the financial burden of the students' parents. Without prejudice, at best, the schools may continue to charge the actual cost incurred for such online classes only.

N. Because, without prejudice, it is important to note that since the financial crunch is not short-lived for most of the Petitioners as the economic restrictions are being relaxed currently, it is assumed in anticipation that the financial stress would not ease out in the near future. Hence, it would be a wave of relief for the Petitioners if waiver pertaining to the payment of quarterly fees be implemented by the said schools under the governance of the Respondents.

O. Because, most importantly, it is to be noted that in today's day and age, admission process of a child in a school is very complex and highly competitive. Hence, expulsion/striking off of the students from the school's enrolment on account of any manner

of default in payment of the school fee during the lockdown period commencing April, 2020 shall not only be fatal to the emotional and developmental state of such student but also, deprive such children of their vital right to life and education, which also finds its mention in Section 16 of the RTE Act.

*[relied upon P.Sridhanya Vs. State of Karnataka, MANU/KA/4636/2019, Society for unaided private schools of Rajasthan Vs. Union of India, (2012) 6 SCC 1, Jayashree Vijay Mundaware Vs. The Principal/Head Mistress of Ashoka Universal School Chandsi/Wadala, 2015 (6) MhLJ 792 etc.]*

P. Because, any monetary penalty over and above the said school fees on account of default in payment of the same during lockdown period, commencing April, 2020 ought not to be levied upon by such schools which shall lead to an inevitable financial breakdown of the Petitioner and prove to be arbitrary and unreasonable, in view of the extraordinary circumstances the country as well as the entire world is dealing with.

Q. Because there is a high risk of large scale unemployment after lockdown, especially in the labour-intensive sectors, if they are not accorded fiscal relief to ease their cash flow and hence, in

such an extraordinary situation, the schools may pay their staff salary from the reserve funds accrued from the parents over sundry years, which are maintained by them as per CBSE bylaws 6.1 to 6.7, which also gives them the power to use their reserve/ contingency/ development/ surplus/ caution/ security funds, funds transferred to Trust/ Society and the savings made during the past years as well as during the lockdown period.

R. Because, it is imperative to note that the doctrine of ‘Parens Patriae’ is applicable to the common people of the state who are undisputedly the victims of this calamity and the Central and State Governments being the guardian of its residents must assume the role of parents and take all necessary steps to protect the rights and interests of its citizens. It is in this context that the right to life and education of the children of the country ought to be protected by the respective government by making arrangements to take care of their financial and developmental needs, especially during such trying times.

S. Because, this Hon’ble Court in *Charan Lal Sahu vs. Union of India, AIR 1990 SC 1480* while dealing with the concept of ‘Parens Patriae’ has held that the government has sovereign

power of guardianship over persons who are not in a position to protect their rights and interests. Hence, it is the indispensable duty of the Respondents to protect the fundamental rights of the children of this country, which are being encroached upon at present.

T. Because, this Hon'ble Court and various High Courts have in view of doctrine of Parens Patriae has acted as guardian of rights of Children and passed orders considering the children's interest as paramount consideration namely orders in the nature that in case of non-payment of fees the student may not be expelled.

U. Because, it is important to note that various state governments and Hon'ble High Courts are implementing distinct and independent mechanisms with regard to the situation at hand leading to chaos and ambiguity amongst the Petitioners and many alike, thus some measures of protection are granted to children of some states and the same is absent for children of other states. Hence, it is the need of the hour to consolidate the said guidelines/directions/orders that have been passed by the various states and respective courts to come to an integrated

reasonable fee structuring and collection mechanism effective during such lockdown period, so as to achieve a harmonious result which shall be uniform across the nation.

V. Because, in view of the above, this Hon'ble Court may intervene to itself issue integrated guidelines and/or if so deem fit and necessary in view of this Hon'ble court may constitute a committee, preferably with each state's head of Department of Education and other stakeholders as members therein, to formulate, implement and regulate the school fee structuring and collection mechanism at a pan-India level.

W. Because, the aforesaid committee formation gains even more importance in the wake of current pandemic situation, whereby the process of fixation of fees is impossible to run in its normal course of action all over the country viz. Maharashtra Educational Institution Regulation of Fee Act 2011 and Rajasthan Schools (Regulation of Fee) Act, 2016 makes the formation of the Parent Teacher Association's Executive Committee mandatory under its enabling provisions, meetings of the school management and members of such committee and also

submission of the many documents by the school management which are in voluminous forms, video shooting of the entire fee fixation procedure etc. are impossible to take place in current pandemic situation.

In view of the aforesaid circumstances, it is in the interest of justice and to protect the fundamental right to life and education of the school going children to grant the reliefs as prayed for. Therefore, the present petition.

27. That the petitioners have not filed any other similar writ petition or any other petition before this Hon'ble court or before any Higher Court as regards the relief as prayed for before this Hon'ble Court.

### **PRAYER**

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

A. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to not charge any fees

whatsoever from the enrolled students of such schools for a period of 3 months starting from 01.04.2020 till 01.07.2020 or till the commencement of offline/physical school classes on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court and /or in the alternative ;

B. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to **only** charge the proportionate fees based on actual expenditure towards the conduct of the online virtual classes and no other fees whatsoever from the enrolled students of such schools since 01.04.2020 till the commencement of offline/physical school classes on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court; and / or in the alternative

C. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to **only** charge the 'tuition fees' and no other fees whatsoever from the enrolled students of

such schools since 01.04.2020 till the commencement of offline/physical school classes on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court; or in the alternative.

D. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to not charge any fees whatsoever for a period of 3 months starting from 01.04.2020 till 01.07.2020 or till the commencement of offline/physical school classes on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court, from the enrolled students of such schools whose parent(s) is not engaged in any vocation currently and/or earned reduced/deducted/nil income from his/her vocation during the period of March, 2020 to July 2020 and thereafter as compared to income earned before such period, subject to a proof a standard of which may be directed by this Hon'ble Court ; and/or in the alternative



- E. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to **only** charge the 'tuition fees' (and no other fees whatsoever) with no hidden/additional charges contained therein from the enrolled students of such schools since 01.04.2020 till 01.07.2020 or till the commencement of offline/physical school classes on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court; or in the alternative
- F. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to defer the payment/ grant moratorium for the school fees (as decided by this Hon'ble Court in view of the prayer A to E above)for the enrolled students of such schools, whose parent may opt for such moratorium/ deferment, on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic and further suspension of physical education for students, or any such period which may deem fit to this Hon'ble Court; and /or in the alternative

G. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to not levy any penal/surcharge over and above the school fees (as decided by this Hon'ble Court in view of the prayer A to E above) for non-payment of such fees by the enrolled students of such schools up till 31.07.2020 on account of the country-wide lockdown implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court; and/ or in the alternative

H. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the private unaided/aided schools to not strike out/ oust any of the enrolled students of such schools due to the non-payment of the school fees (as decided by this Hon'ble Court in view of the prayer A to F above) on account of the country-wide lockdown/ Closure of physical/ regular education implemented due to the surge of COVID-19 pandemic, or any such period which may deem fit to this Hon'ble Court; and/ or in the alternative

- I. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the schools (private/government) to provide facilities to the socially and economically backward students under The Right of Children to Free and Compulsory Education Act, 2009 for the online classes, especially during the lockdown period; and/ or in the alternative
- J. Issue a writ of mandamus, order, direction directing the Respondent No.1-9 and/or all the States of India to further direct all the schools (private/government) not to commence the physical/offline classes at their respective premises till the cure for COVID-19 is discovered and/ or the said disease becomes non-fatal; for the lives of children; and/ or in the alternative
- K. Issue general guidelines pertaining to the nature and quality of the online education imparted by all the schools (private/government) throughout the country which shall be followed by all the Respondent No.1-9 and/or all the States of India while further directing in this regard to the respective

schools in their respective states considering the adverse impact of the same on Children of tender age; and /or in the alternative

L. Considering the present scenario in the Country due to spread of Covid 19 and effect of the same on the education and economy, Issue general guidelines pertaining to the payment and structuring of the school fees as levied by the private aided/unaided schools throughout the country which shall be followed by all the Respondent No.1-9 and/or all the States of India while further directing in this regard to the respective schools in their respective states; and /or in the alternative

M. Issue a writ of mandamus, order, direction directing the Respondent No.1 to constitute a pan-India committee constituting of all the state representatives of the respective department/directorate of education and/or any other member as may deem fit, or pass an order/ direction constituting an appropriate committee to be formed by this Hon'ble Court headed by a retired Supreme Court Judge/ High Court Judge; so as to formulate, implement and regulate inter alia the fee structuring and collection mechanism of the primary, secondary and higher secondary private aided/unaided schools during the

period of country-wide lockdown and thereafter till resumption of physical education/ classes, due to the surge of COVID-19 pandemic and in the meantime also provide regulations for conduct of Online education for schools;

N. Issue a writ, Order or Direction(s) as this Court deems fit in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER HEREIN SHALL ALWAYS PRAY.

DRAWN BY:

Ms. Pankhuri

Advocate

SETTLED BY:

Siddharth Shankar Sharma

Advocate

DRAWN ON:18.06.2020

FILED ON: 23.06.2020

FURTHER SETTLED & FILED BY:



**MAYANK KSHIRSAGAR**

Advocate for Petitioners

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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No.                      OF 2020

**IN THE MATTER OF:**

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

Union of India and Ors.

...Respondents

**AFFIDAVIT**

I, Mr. Sushil Sharma, S/O Late Sh. Hari Kishan Sharma, Address: 8/349, Malviya Nagar, Jaipur-302017 (Rajasthan), the Petitioner No.1 herein, solemnly state and declare on oath as under:

1. That I am the Petitioner No.1 in the above mentioned matter and as such fully conversant with the facts and circumstances of this case, hence competent to swear this affidavit. I am duly authorized by Petitioner No.2 to Petitioner No.10 to swear this affidavit on their behalf.

2. That I have gone through the contents of accompanying List of Dates B to U, Writ Petition Paragraphs 1 to 27 (Pages ... to 46), Grounds A to W and I.A's and the same are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

3. That the annexures are the true copies of the respective originals and are essential parts of the records.

Sushil Sharma

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4. I state that the facts stated in Synopsis, List of Dates and Writ Petition are based on the instructions given to the Advocate on Record. I stated that to the best of my knowledge I have not filed any other petition.

5. That the facts stated above affidavit are true and correct and no material has been concealed there from.

*Susmit Shrestha*

**DEPONENT**

**VERIFICATION**

I deponent above named state that this is my name and signature, and what is stated in paragraphs 1 to 5 are true and correct. No material facts has been concealed.

Place: *JASRU*

Date: *18/06/2020*

*Susmit Shrestha*

**DEPONENT**

**ARTICLE 21, 21A and 32 OF THE CONSTITUTION OF INDIA,**  
**1950**

**ARTICLE 21**

21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.

**ARTICLE 21A**

21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

**ARTICLE 32**

32. Remedies for enforcement of rights conferred by this Part

- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
- (3) Without prejudice to the powers conferred on the Supreme Court by clause ( 1 ) and ( 2 ), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause ( 2 )
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution



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**Section 16 of Right of Children to Free and Compulsory  
Education Act, 2009**

**Section 16**

16. Examination and holding back in certain cases.-- (1) There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.

(2) If a child fails in the examination referred to in sub-section (1), he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.

(3) The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2):

Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education.

(4) No child shall be expelled from a school till the completion of elementary education.



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**Government of India**

**NATIONAL DISASTER MANAGEMENT AUTHORITY  
Policy & Plan Division  
NDMA Bhawan, A-1, Safdarjung Enclave,  
New Delhi – 110029.**

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No. 1-29/2020-PP (Pt.II)

Dated : - 24<sup>th</sup> March, 2020

**ORDER**

Whereas, the National Disaster Management Authority is satisfied that the country is threatened by the spread of COVID – 19, which has been declared as a pandemic by the World Health Organization and that it is necessary to take effective measures to prevent its spread across the country and for mitigation of the threatening disaster situation.

And whereas, experts keeping in view the global experiences of countries which have been successful in containing the spread of COVID – 19 unlike some others where thousands of people died, have recommended that effective measures for social distancing should be taken to contain the spread of this pandemic.

And whereas, there is a need for consistency in the application and implementation of various measures across the

country while ensuring maintenance of essential services and supplies, including health infrastructure.

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Now, therefore in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority has decided to direct Ministries/ Departments of Government of India, State Governments and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID – 19 in the country. Necessary guidelines in this regard shall be issued immediately under section 10(2)(I) of the Disaster Management Act, 2005 by the National Executive Committee. These measures shall be in force for a period of twenty one days w.e.f. 25<sup>th</sup> March, 2020.

**Member Secretary, NDMA**

To,  
Union Home Secretary  
North Block, New Delhi – 110001.



**//True Typed Copy//**

**NO. 40-3/2020-DM-I(A)**  
**Government of India**  
**Ministry of Home Affairs**

North Block, New Delhi – 110001  
Dated 24<sup>th</sup> March, 2020

**ORDER**

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID – 19 epidemic, which has already been declared as a pandemic by the World Health Organization, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure :

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt. II) dated 24.03.2020 (Copy enclosed) directing the Ministries/Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

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Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.

**Home Secretary**


To,

1. The Secretaries of Ministries/Departments of Governments of India
2. The Chief Secretaries/ Administrators of States/Union Territories

*(As per list attached)*

Copy to :

- i. All members of the National Executive Committee.
- ii. Members Secretary, National Disaster Management Authority.

  
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Press Information Bureau

Government of India

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**Government of India issues Orders prescribing lockdown  
for containment of COVID - 19 Epidemic in the country  
New Delhi, March 26, 2020**

The COVID-19 epidemic has affected many countries and the World Health Organization has declared it 'Pandemic'.

Government of India (GOI) has been taking several proactive preventive and mitigating measures starting with progressive tightening of international travel, issue of advisories for the members of the public, setting up quarantine facilities, contact tracing of persons infected by the virus and various social distancing measures. Several advisories have been issued to States and Union Territories (UTs) for taking necessary measures to contain the spread of this virus. Government have temporarily suspended metro and rail services as well as domestic air traffic.

The situation has been continuously reviewed at the level of the Prime Minister of India. The PM has addressed the Nation on the need for preventive measures and has also held meeting with all the Chief Ministers through video conference.

Experts, keeping in view the global experiences of countries which have been successful in containing the spread of COVID-19 unlike some others where thousands of people died,

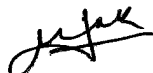
have recommended that effective measures for social distancing should be taken to contain the spread of this pandemic

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While steps taken by State/UT Governments are in the right direction, lack of uniformity in the measures adopted as well as in their implementation, may not serve the objective of containing the spread of the virus. Considering the situation. The National Disaster Management Authority (NDMA), chaired by Hon'ble Prime Minister Shri Narendra Modi, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, has issued an Order dated 24.03.2020, directing the Ministries/ Departments of Government of India, and the State/Union Territory Governments and State/ Union Territory Authorities to take effective measures to prevent the spread of COVID-19 in the country.

In compliance of the said Order of NDMA, Ministry of Home Affairs (MHA) has issued an Order dated 24.03.2020 under Section 10(2)(1) of the Disaster Management Act, directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures for ensuring social distancing so as to prevent the spread of COVID-19 in the country. The Order shall remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.

The Ministries/ Departments of Government of India and State Governments/Union Territory Administrations, have been directed to ensure strict implementation of these Orders. The implementation of these measures will be monitored by MHA.



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**No. 40-3/2020-DM-I(A)**  
**Government of India**  
**Ministry of Home Affairs**

North Block, New Delhi – 110001  
Dated 17<sup>th</sup> May, 2020

**ORDER**

**Whereas**, the National Disaster Management Authority (NDMA) in exercise of their powers under section 6(2)(i) of the Disaster Management Act, 2005, vide their Orders dated 24.03.2020, 14.04.2020 and 01.05.2020 had directed the National Executive Committee (NEC) to take lockdown measures so as to contain the spread of COVID-19 in the country :

**Whereas**, Chairperson NEC, in exercise of the powers conferred under Section 10(2)(I) of the Disaster Management Act, 2005, has issued Orders of even number on lockdown measures dated 24.03.2020, 29.03.2020, 14.04.2020, 15.04.2020 and 01.05.2020;

**Whereas**, save as otherwise provided in the guidelines annexed to this Order, all Orders issued by NEC under Section 10(2)(I) of the Disaster Management Act, 2005, shall cease to have effect from 18.05.2020;

**Whereas**, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020- PP dated 17.05.2020 directing the Chairperson, NEC that lockdown measures to contain the spread of COVID -19 be continued to be implemented in all parts of the Country, for a further period upto 31.05.2020;



**Now therefore**, under directions of the aforesaid Order of NDMA dated 17.05.2020, and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions for strict implementation, to all the Ministries/Departments of Governments of India, State/Union Territory Governments and State/Union Territory Authorities that lockdown measures to contain the spread of COVID-19 will continue for a period of upto 31.05.2020,. as per the guidelines annexed to this Order, which will come into effect from 18.05.2020.

**Union Home Secretary**

**To :**

1. The Secretaries of Ministries / Departments of Government of India
2. The Chief Secretaries/ Administrators of States/Union Territories (As per list attached)

**Copy to :**

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

  
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**Alexandra School Amritsar  
(Diocese of Amritsar CNI0  
A Minority Institution, Affiliated to ICSE/ISC New Delhi.  
Reg. No. PU035  
(Certified Under ISO 9001 : 2008)  
8, Queen's Road, PIN – 143001**

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Dated : - 01/06-2020

Dear Parents,

We hope and pray that you all are keeping well and are ready to face challenges due to COVID – 19.

You are well aware that school is well connected with your ward by on line apps like Broadcast app, Whatsapp, Snap work app, Zoom & Google meet. We have organized poetry recitation competition (Hindi, English, Punjabi) Calligraphy competition for all classes. Modelling and dance competition for Nursery children. The response was really very encouraging. Last Sunday's P.T. meet was a great success.

Dear parents, you know that school has to pay salary to its staff (Teaching & Non-Teaching). The school is paying electricity bill, amc or generator, water purifies, smart classes and property tax, building safety/ water safety/ fire safety certificates, telephones bills etc. School is keeping campus neat and clean and sanitized to receive our dear students. All these require extra expenses.

You are also aware that the Hon'ble Minister of education, Govt. of Punjabi has asked school to request parents to pay only tuition fee during this lockdown period due to COVID – 19. As you know our tuition fee is very nominal, it will be difficult for us to manage. You are requested to deposit the tuition fee as details given below. Monthly/ quarterly as suits you.

Thanking you in anticipation for your continued cooperation and goodwill.

Yours Sincerely,

Principal  
Alexandra School  
Amritsar

Ph. : (Off.) 0183-2210211, 2564563 Fax : 0183-2210211

E-mail : [Alexandra\\_1878@rediffmail.com](mailto:Alexandra_1878@rediffmail.com),

[schoolalexandra1878@gmail.com](mailto:schoolalexandra1878@gmail.com)

Web address : [alexandraschool.org](http://alexandraschool.org)



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**EURO  
INTERNATIONAL SCHOOL  
UNLEARN – LEARN – CREATE – CELEBRATE**

1<sup>st</sup> June, 2020

Dear Parents,

Namaskar !

We hope you are safe and in robust health!

As it has become evident to us that this year is not going to be like every other and we cannot deny the impact of the pandemic on every aspect of our life, including our students' education. These times have forced us to move away from the conventional methods and adopt new ways to continue the education cycle. We have been continuously taking thoughtful steps for a considerate and adequate response to the situation.

Our educators have worked diligently everyday to ensure that our students don't miss out on their learning due to these unprecedented times. We have received massive support for our online classes and activity sessions from all of you. One thing we can all agree upon is the 'digitization' is the way ahead and in lieu of this we have started live classes for students which will provide them with routine and discipline.

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Today I am writing to you with a very humble request. As an institute the expenditure we bear each year is fixed and a large proportion of it is allocated to our staff salaries. Since this year due to the introduction of live classes and online learning, the expenses have surged and we weren't able to remunerate our staff.

Hence it is a very courteous request to all of you to kindly deposit the fees for the first Installment.

We have always received encouragement and assistance from all of you which has allowed us to come a long way. Together as the Euro family, we can ensure to continue the cycle of education even in these demanding times.

Kindly deposit the fee in the following account :

**Account Holder Name : Euro International Shikshan Sansthan**

**Account Number : 553201010050581**

**Bank Name : Union Bank of India,**

**Branch : Sikar 332001,**

**RTGS/NEFT IFSC : UBIN0555321**

After making the payment, kindly forward the screenshot, along with your ward's name and class on 91164 19978, 93146 04093 for smooth functioning.

Wishing an abundance of good health and positivity.

Regards.

63

Principal

Euro International School

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LOCATION :	PHONE	CELL	E-MAIL	WEBSITE
Chandpura Chauraha, Near Todi Nagar, Via- Bajaj Gram Sanwali, Sikar (Raj.) 332021	01572-274033	93146-04093	Euro_i_school@yahoo.com	www.eurointschool.com



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**THE TIMES OF INDIA**  
**EDUCATION**

**Uttarakhand Govt. bars collection of fees by schools during  
COVID – 19 lockdown**

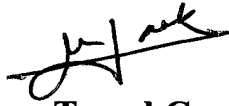
ANI|Mar 26, 2020, 08:49 IST

Education Secretary R Meenakshi Sundaram on Wednesday issued an order directing all government or private schools in the state to collect tuition fees from students after situation, created by the threat of the spread of COVID – 19 global pandemic, normalizes.

In a letter addressed to the District Magistrates, Sundaram said : “It has come to the notice of the government that certain private schools are pressurizing the parents of wards to submit the tuition fees immediately. This is not right when there is a complete lockdown imposed in the state to contain the spread of COVID – 19.”

“Hence, orders are issued to stop the collection of fees by all the government and private schools under CBSE, ICSE or state boards. Fees should be collected once the situation normalizes,” added. Four persons have tested positive for COVID-19 in Uttarakhand including one foreign national, the Ministry of Health and Family Welfare said on Wednesday. India has recorded 606 cases of positive cases which includes 43; foreign nationals. Ten people have died of COVID – 19.

Prime Minister Narendra Modi on Tuesday announced a 21-day lockdown in the entire country effective from midnight to deal with the spread of coronavirus, saying that “social distancing” is the only option to deal with the disease, which spread rapidly.



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**Schools Will Not Take Advance Fees Till Lockdown  
Continues**

**All School Students Will be Promoted Except Class X  
and XII: Chief Minister**

Jaipur, April 9. Chief Minister Shri Ashok Gehlot has directed all school directors in the State not to take advance fees of three months from the students till the lockdown continues, which was implemented to prevent from corona infection. Taking decision in the interest of students, he said that name of any student should not be cut for not depositing fees. He also directed to promote all school students to next class except students of class X and XII board exams.

Shri Gehlot on Thursday through video conference was reviewing the situation of academic session of all educational institutions including schools and colleges during the lockdown. He directed that as far as possible all schools and colleges should arrange for online lecture and e-learning, so that students continue with their studies and could fruitfully utilize their time being at home.

**8th Semester Exams to be Held On Priority**

It was decided in the conference that summer vacation in all Higher and Technical Education institutions will be announced from April 15, but summer vacation will not be there in schools from April 15. Along with, it was decided that after the lockdown ends, the examinations of eighth semester will be held on priority in institutions affiliated to Rajasthan Technical University.

**5-Member Committee For Exams and Forthcoming Session**

Minister of State for Higher Education Shri Bhanwar Singh Bhati in the conference said that the higher education department has made a five-member committee to decide the schedule of University examinations, which will give its suggestion for the examinations and forthcoming academic session after the lockdown ends. The committee includes Vice-Chancellor of University of Rajasthan, Jai Narain Vyas University and Mohanlal Sukhadia University, Commissioner College Education and Secretary Higher Education.

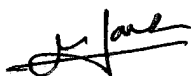
**Books Of All Classes Are Available Online**

Minister of State for Education Shri Govind Singh Dotasara said that books of all classes have been made available online. Now work is on for preparing online content for students so that children staying at home can continue their studies.

**YouTube Channel Ready For E-Content**

Minister of State for Technical Education Dr Subhash Garg said that mid semester examinations in technical educational institutions have been completed online. A YouTube channel has been readied to provide e-content to students, on which more than 600 lectures have been uploaded. Teachers have been directed to prepare maximum e-content.

Chief Secretary Shri DB Gupta, Secretary Higher Education Smt Suchi Sharma, Secretary School Education Smt Manju Rajpal and Commissioner College Education Shri Pradeep Borad and other officers were present in the conference.

  
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**TWITTER**

**CMO ODISHA**  
**@CMO\_Odisha**

*Public Notice*

In view of the lockdown & associated economic stress for #COVID 19, #Odisha Govt. advises all private educational institutions to be sympathetic to consider reduction/ deferment of school fees from April to June. This will help the parents whose income have been adversely affected.

12:19 PM Apr 10, 2020 Twitter Web App

487 Retweets

3.4K Likes



**//True Typed Copy//**

**TIMES OF INDIA  
EDUCATION**

**After meeting minister, Gujarat Pvt. Schools offer fee flexibility**

PTI| Apr 13, 2020 18:25 IST

AHMEDABAD : Amid lockdown for the coronavirus outbreak, not hike fees in the coming academic year and will offer flexibility to parents to pay March-May fees over six months at their own convenience, a senior state government official said on Monday.

The decision was taken after state Education Minister Bhupendrasinh Chudasama held a meeting with representatives of the associations of private schools, Ashwani Kumar, secretary to the chief minister, said Kumar said it was decided in the meeting that private schools will not raise annual fees and will offer flexibility to economically weaker parents to pay fees for the months of March to May as per their convenience.

Class X and XII board exam answer sheets will be checked starting April 16, and the education board will make arrangements for it and take responsibility of the teachers involved in the exercise, he added.

Kumar said colleges and universities in the state will be on vacation between April 15 and May 15, and their annual exams will held as per guidelines that will be issued by UGC and AICTE.

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A handwritten signature in black ink, appearing to be 'J. K. Singh', written over a horizontal line.

//True Typed Copy//

**DIRECTORATE OF EDUCATION  
GOVT. OF NCT OF DELHI  
OFFICE OF THE DIRECTOR OF EDUCATION  
OLD SECRETARIAT, NEW DELHI – 110054.**

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F. No. PS/DE/2020/54

Dated : 17-04-2020

**ORDER**

Whereas, the Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID – 19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for Prevention and Containment of COVID- 19 are in force in NCT of Delhi at present. Hence all are required to comply with the provisions of the same.

Whereas, everyone is aware that the outbreak of Novel Corona Virus (COVID – 19) has been declared as Pandemic by WHO and at present, it is a major threat to life and, therefore, a grave matter of concern in the country, being social emergency life situation including Delhi. India is under a 21-day Lockdown with effect from March, 24 2020 and people are under strict directions to restrain from going out of their homes.

Whereas, it is also a fact that in view of the spread of COVID – 19, all business/professional/other activities (other than essential ones) have ceased to function as a precautionary measure to contain COVID-19 due to which, some parents, are not in a position to pay the school fee of their wards at increased rates or even at existing rates if demanded on quarterly basis in one go.

Whereas, in such an unfavorable situation, supply out of compassion for fellow citizens, most of the Charitable Trusts, Charitable Societies, NGOs/ Social Organizations and even Individuals are extending their support voluntarily to deal with the war – like situation arisen due to the spread of COVID -1 9 in their respective fields.

Whereas, in such a situation, when all sections of society are contributing their best to help out those in need, it has been brought to the notice of the undersigned that some private unaided schools are not only violating the provisions of Delhi School Education Act and Rules 1973 and other guidelines issued by the Department in respect of regulation of fee but also the provisions of above referred Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID – 19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID – 19 presently in force.

Whereas, some schools have increased the fee in the academic session 2020-2021 without taking cognizance of the prevailing situations in view of the announcement of lockdown by the Central Government and despite the enforcement of Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID – 19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID – 19 and also without compliance of the mandatory provisions of section 17(3) of Delhi School Education Act 1973 and several

other guidelines issued by the Department from time to time in this regard. Some schools have increased the fee without seeking approval of Director (Education) even though they are running on the land allotted by the DDA/Other Land Owning Agencies with such condition.

Whereas, it has further come to the notice that some private schools have started charging the fees from the students under various new heads in violation of the directions of Hon'ble Supreme Court as well as the directions of the Directorate of Education.

Whereas, it has also been learnt that some private schools have started providing online learning material/ classes to the students of their respective schools for the academic session 2020-21 so as to cover the learning/ curricular activities of this academic session. This is a welcome step in the interest of students. However, it is matter of grave concern that some schools are found indulging in the following malpractices which are inhuman, especially in view of the outbreak of Corona Virus (COVID – 19) :-

- i. Heads of the Schools are not providing the ID & Password to access Online learning / educational material / classes to those students whose parents who have not paid or not agreed to pay the illegal increased fee of the school.
- ii. Heads of the schools are demanding and collecting the fee from the parents / students on quarterly basis.



- iii. Heads of the schools are not providing ID & Password to the students/parents so as to access the online learning activities/ classes who are unable to pay the school fee due to financial crisis on closure of business activities in the ongoing lockdown condition.
- iv. Some private schools are not paying salary to the teaching and non-teaching staffs in this ongoing lockdown or paying less salary to the extent of 40% to 50% of their total emolument which is against the spirit of direction of Govt. of Delhi issued in this regard as well as relevant provisions of DSEA Act, 1973. This has resulted in acute financial difficulties being faced by the teaching and non-teaching staffs working in the private schools.

Whereas, attention of all HOS s and managers of the Private Unaided Schools of Delhi is invited to the provisions of DSEAR 1973 in accordance to which they are under the direct control of Charitable Society/Trust. Being Charitable Societies/Trusts, they are supposed to indulge in charity, especially when they are engaged in the noble field of providing education to the society – without indulging in profiteering. Accordingly, they are also supposed to extend their maximum support (to those parents who are in financial distress at this time and unable to pay to school fee) by providing learning material online to all students without any discrimination and hindrance and also by not charging any increased tuition fee or any other fee by creating any new head.

Any whereas, attention is also invited towards Rule 165 of DSEAR, 1973 which provides “All fees and contributions payable to a school by a student shall be payable by the 10<sup>th</sup> day of the month in which they are due:

Provided that where the school remains closed on the 10<sup>th</sup> day of the month, such fees or contributions shall be payable on the date following the 10<sup>th</sup> day on which the school reopens :

Provided further that where the school remains closed for the long vacation, fees and contributions shall be payable within 10 days from the day on which the school re-opens after the long vacation”.

And whereas, it is also a fact that due to early closure of schools in the wake of COVID – 19 and thereafter activities, sports activities, transportation, other development related activities etc is almost nil.

And whereas, as per the provisions, the tuition fee charged from the students, covers all the expenditure to be incurred on salary, establishments and curricular activities.

Now, therefore, under section 39 (i) of The Disaster Management Act, 2005, wherein responsibilities have been conferred upon Directorate of Education, being one of the Departments of State Government and in exercise of the powers

conferred under Section 17(3) of DSEA, 1973 and read with Rule 43 DSEAR, 1973 and under other enabling provisions of the above Acts and Rules or any other, all Heads/ Managers of the private unaided recognized schools of Delhi are hereby directed as under :-

- i. No fee, except Tuition fee, shall be charged from the parents, till further orders.
- ii. heads of the schools shall not demand and collect the Tuition fee from the parents/ students on quarterly basis. The fee shall be collected on monthly basis only.
- iii. Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.
- iv. The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the Tuition fee on the basis of last fee structure approved by Director (Education) or as per fee statement filed by them under 17(3) of DSEAR, 1973 during academic session 2015-16.
- v. Shall ensure to provide the access of Online Education/ material/classes to all students, without any discrimination, by providing them ID and Password immediately to get them online education facility.
- vi. heads of the schools shall, in no case, deny ID & Password to those students/parents for getting online access of educational facilities/classes/materials etc to

those students who are unable to pay the school fee due to financial crisis arising out of closure of business activities in the ongoing lockdown condition.

- vii. Managing Committee of the schools/Heads of the schools shall not put extra financial burden by creating any new head of fee.
- viii. Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society/ Trust running the school.

Failure to comply with above instructions shall invite action not only under the relevant provisions of DSEAR, 1973 and IPC but also punishment under Section 51 (b) of The Disaster Management Act, 2005 which provides that whoever, without reasonable cause : -

“Refuse to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

Shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on

conviction be punishable with imprisonment for a term which may extend to two years".

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**(BINAY BHUSHAN)  
DIRECTOR OF EDUCATION**

To,

All HOS/Managers,

Private Unaided Recognized Schools, Delhi.

Copy to :-

1. PS to Hon'ble Dy. C. M. / MoE, GNCT of Delhi.
2. PS to Chief Secretary / Chairperson, State Executive Committee, GNCT, Delhi.
3. PS to Secretary Education, Delhi.
4. PS to Director of Education, Delhi.
5. All Regional Directors of Education, Delhi with the directions to take immediate action as per above directions against the defaulter schools.
6. All District Dy. Directors of Education, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.
7. All Dy. Directors of Education Zones, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.

**(YOGESH PRATAP)**

**DY. DIRECTOR (PSB)**

  
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**DIRECTORATE OF EDUCATION  
GOVT. OF NCT OF DELHI  
OFFICE OF THE DIRECTOR OF EDUCATION  
OLD SECRETARIAT, NEW DELHI – 110054**

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F. No. PS/DE/2020/55

Dated : - 18.4.2020

**ORDER**

This order is issued in supersession of the earlier order No. PS/DE/2020/54, dated – 17.04.2020.

Whereas, everyone is aware that the outbreak of Novel Corona Virus (COVID- 19) has been declared as Pandemic by WHO and at present, it is a major threat to life and, therefore, a grave matter of concern in the country, being social emergency life situation including Delhi. India is under a 21-day Lockdown with effect from March, 24 2020 which has been further extended upto 3<sup>rd</sup> May, 2020 and people are under strict directions to restrain from going out of their homes.

Whereas, it is also a fact that in view of the spread of COVID-19, all business/professional/other activities (other than essential ones) have ceased to function as a precautionary measure to contain COVID – 19 due to which, some parents, are not in a position to pay the school fee of their wards at increased rates or even at existing rates if demanded on quarterly basis in one go.

Whereas, in such an unfavorable situation, supply out of compassion for fellow citizens, most of the Charitable Trusts, Charitable Societies, NGOs/ Social Organizations and even Individuals are extending their support voluntarily to deal with the war – like situation arisen due to the spread of COVID – 19 in their respective fields.

Whereas, in such a situation, when all sections of society are contributing their best to help out those in need, it has been brought to the notice of the undersigned that some Private Unaided Schools are violating the provisions of Delhi School Education Act and Rules, 1973 and other guidelines issued by the Department in respect of regulation of fee.

Whereas, some schools have increased the fee in the academic session 2020-2021 without taking cognizance of the prevailing situations in view of the announcement of lockdown by the Central Government and despite the enforcement of Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID – 19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID – 19 and also without compliance of the mandatory provisions of section 17(3) of Delhi School Education Act 1973 and several other guidelines issued by the Department from time to time in this regard. Some schools have increased the fee without seeking approval of Director (Education) even though they are running on the land allotted by the DDA/Other Land Owning Agencies with such condition.

Whereas, it has further come to the notice that some private schools have started charging the fees from the students under various new heads in violation of the directions of Hon'ble Supreme Court as well as the directions of the Directorate of Education.

Whereas, it has also been learnt that some private schools have started providing online learning material/ classes to the students of their respective schools for the academic session 2020-21 so as to cover the learning / curricular activities of this academic session. This is a welcome step in the interest of students. However, it is matter of grave concern that some schools are found indulging in the following malpractices which are inhuman, especially in view of the outbreak of Corona Virus (COVID – 19):-

- i.** Heads of the Schools are not providing the ID & Password to access Online learning/ educational material/classes to those students whose parents who have not paid or not agreed to pay the illegal increased fee of the school.
- ii.** Heads of the schools are demanding and collecting the fee from the parents/ students on quarterly basis.
- iii.** Heads of the schools are not providing ID & Password to the students/ parents so as to access the online learning activities / classes who are unable to pay the school fee due to financial crisis on closure of business activities in the ongoing lockdown condition.



- 82
- iv. Some private schools are not paying salary to the teaching and non – teaching staffs in this ongoing lockdown or paying less salary to the extent of 40% to 50% of their total emolument which is against the spirit of direction of Govt. of Delhi issued in this regard as well as relevant provisions of DSEA Act, 1973. This has resulted in acute financial difficulties being faced by the teaching and non-teaching staffs working in the private schools.

Whereas, attention of all HOS s and managers of the Private Unaided Schools of Delhi is invited to the provisions of DSEAR 1973 in accordance to which they are under the direct control of Charitable Society / Trust. Being Charitable Societies/ Trusts, they are supposed to indulge in charity, especially when they are engaged in the noble field of providing education to the society – without indulging in profiteering. Accordingly, they are also supposed to extend their maximum support (to those parents who are in financial distress at this time and unable to pay to school fee) by providing learning material online to all students without any discrimination and hindrance and also by not charging any increased tuition fee or any other fee by creating any new head.

And whereas, attention is also invited towards Rule 165 of DSEAR, 1973 which provides “All fees and contributions payable to a school by a student shall be payable by the 10<sup>th</sup> day of the month in which they are due :

*Provided that where the school remains closed on the 10<sup>th</sup> day of the month, such fees or contributions shall be payable on the date following the 10<sup>th</sup> day on which the school reopens :*

Provided further that where the school remains closed for the long vacation, fees and contributions shall be payable within 10 days from the day on which the school re-opens after the long vacation”.

And whereas, it is also a fact that due to early closure of schools in the wake of COVID-19 and thereafter due to announcement of lockdown, the expenditure on co-curricular activities, sports activities, transportation, other development related activities etc. is almost nil.

And whereas, as per the provisions, the tuition fee and annual fee charged from the students, cover all the expenditure to be incurred on salary, establishments and curricular activities and co-curricular activities.

Now, therefore, in exercise of the powers conferred under Section 17(3) of DSEA, 1973 and read with Rule 43 DSEAR, 1973 and under other enabling provisions of the above Acts and Rules or any other, all Heads/ Managers of the private unaided recognized schools of Delhi are hereby directed as under :-

1. No fee, except Tuition fees will be charged from the parents during the lockdown period.
2. Annual and Development Charges can be charged from the parents, on pro rata basis, only on monthly basis after completion of lockdown period.
3. No earmarked levies such as transportation charges will be charged from the parents during the period the schools remains closed.
4. in no case, the schools shall demand and collect the above mentioned fees from the parents/students on quarterly basis i.e. fees will be collected on monthly basis only.
5. Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.
6. The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the above mentioned fees on the basis of last fee structure approved by Director (Education) or as per fee statement filed by them under 17 (3) of DSEAR, 1973 during academic session 2015-16.
7. shall ensure to provide the access of Online Education/Material/classes to all students, without any discrimination, by providing them ID and Password immediately to get them online education facility.
8. Heads of the schools shall, in no case, deny ID & Password to those students/ parents for getting online access of educational facilities/classes/ material etc to house students who are unable to pay the school fee due to

financial crisis arising out of closure of business activities  
in the ongoing lockdown condition.

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9. Managing Committee of the schools/Heads of the schools shall not put extra financial burden by creating any new head of fee.
10. Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society/ Trust running the school.

Failure to comply with above instructions shall invite action under the relevant provisions of DSEAR, 1973.

(BINAY BHUSHAN)  
DIRECTOR OF EDUCATION

To,

All HOS/ Managers,

Private Unaided Recognized Schools, Delhi

**Copy to :-**

1. PS to Hon'ble Dy. C. M. / MoE, GNCT of Delhi.
2. PS to Chief Secretary/ Chairperson, State Executive Committee, GNCT, Delhi.
3. PS to Secretary Education, Delhi.

4. PS to Director of Education, Delhi.
5. All Regional Directors of Education, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.
6. All District Dy. Directors of Education, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.
7. All Dy. Directors of Education Zones, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.

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(YOGESH PRATAP)

 DY. DIRECTOR (PSB)

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**GOVERNMENT OF HARYANA**

**Directorate Secondary Education**

---

Off: Shiksha Sadam, Sector-5, Panchkula, Haryana-134109 (India)

Tel: 91 (0172)-2560246 Fax: 91(0172)-2560253

e-mail: [edusecondary@gmail.com](mailto:edusecondary@gmail.com)- site: [www.schooleducationharyana.gov.in](http://www.schooleducationharyana.gov.in)

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To,

All District Education Officer

Circular No.: 9/27-2013 P.S. (2)

Dated, Panchkula: 23/04/2020

Subject: Directions to private schools regarding fees considering COVID-19 situation

In continuation of office circular dated 12.04.2020 regarding the above subject.

By virtue of Rule 158 regarding fees and other charges levied by private schools, issued by Government of Haryana, it is mandatory for all the private schools to send details of the the chargeable fees by way of Form-6 to the Government.

In view of the above, it is stated that to contain the COVID-19 spread, a nationwide lockdown was imposed. Consequently, all economic activities came to a standstill which has adversely affected many livelihoods/source of earnings.

In view of the same, a circular dated 12.04.2020 regarding the fees/charged to be levied by the private schools was passed by the Government of Haryana. However, it has come to the Government's knowledge that a few private schools are levying various other charges under the head of 'tuition fees'.

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In view of the aforesaid circumstances, you are hereby directed by the Department of Education, Haryana, to ensure strict compliance of the following directions:

- 1) Private schools shall charge only 'Tuition fees' on a monthly basis and suspend all other charges like Building fund, Maintenance Fund, Admission Charges, Computer Fees etc. in view of the current COVID-19 situation.
- 2) Private Schools shall not increase the monthly tuition fees.
- 3) It shall be ensured that no hidden charges, whatsoever, be charged by the private schools under the umbrella of their monthly school fees.
- 4) It shall be ensured that no student/ parent be charged for transport during the lockdown period.
- 5) No changes shall be made in the school uniform by the private schools.
- 6) No changes shall be made in the syllabus books, activity books, practical files etc. by the private schools.

- 7) Private schools shall ensure to not strike off the name of any student or deprive them of online education, who have defaulted in fees payment for any reason whatsoever.

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I have been directed to direct you to ensure strict compliance of the aforesaid directions. In case of any default by private school, the procedure under Rule 158 of Haryana School Manual shall be followed and the said school shall be intimated about the same.

Sd/-

Deputy Superintendent P.S.  
Directorate General of Secondary Education  
Haryana, Panchkula

Dated, Panchkula: 23/04/2020

CC:-

1. Secretary, Chief Minister Office, Haryana
2. Secretary, Chief Secretary Office, Haryana
3. Secretary, Principal Secretary Office, Haryana
4. Secretary, Education Minister, Haryana
5. Personal Secretary, Directorate General of Secondary Education, Haryana
6. Personal Assistant, Director Elementary Education, Panchkula

Sd/-

Deputy Superintendent P.S.  
Directorate General of Secondary Education  
Haryana, Panchkula

  
//True Translated Copy//



**GOVERNMENT OF MADHYA PRADESH**  
**SCHOOL EDUCATION DEPARTMENT**  
**“MANTRALAYA”**

No.: F 50-4/2020/20-2

Bhopal, Dated: 24<sup>th</sup> April, 2020

To,

All District Collector

District Education Officer

Madhya Pradesh

**Subject:** Regarding fees charged during the lockdown period  
by unaided private schools

**Ref:** Letter bearing no. CBSE/SECYAff/2020 dated  
17.04.2020 issued by CBSE

In view of the current lockdown situation and the various representations presented by various stakeholders with regard to the chargeable fees by the unaided private schools as well as the schools teachers' salaries, before the CBSE and further, considering the memorandum issued by the CBSE pertaining to the above, the following directions are being issued:

- 1) Any parent/guardian who was unable to pay the dues for academic session 2019-20, for any reasons, shall be allowed to clear the said dues till 30.06.2020. No delay charges shall be levied upon the same.
- 2) Till further orders, no private school shall increase their fees for the academic session 2020-21. No parent/guardian shall be compelled to pay the fees in one go/lumpsum. According to the convenience of the parents/guardian, the

private schools shall allow the parents to make payment either on the monthly basis or in minimum 4 instalments.

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- 3) In view of the financial crisis faced by parents, if any such parent requests for suspension of fees during the lockdown period then the same shall be considered liberally. In case of such suspension, then such fees shall be adjusted in instalment in the upcoming months.
- 4) All the private schools where the online education has already commenced or they are desirous of commencing it, shall continue/ commence such activities, provided no additional charges shall be levied in this regard.
- 5) All the working teaching staff as well as non-teaching staff shall be regularly and paid their salaries.

The aforesaid directions shall be applicable uniformly on all the unaided private schools affiliated to CBSE, ICSE, MPSE and any other board. In case of default, the defaulter school shall be proceeded against under the respective applicable rules.

Sd/-

Under Secretary,  
Government of Madhya Pradesh  
School Education Department

Bhopal, Dated : 24<sup>th</sup> April, 2020

CC:

1. Chief Secretary, Chief Minister Office, Govt. of MP
  2. Under Secretary, Chief Secretary Office, Bhopal
- Etc.

Sd/-

Under Secretary,  
Government of Madhya Pradesh  
School Education Department

  
//True Translated Copy//

**FOR NOT HIKING THE FEES FOR THE ACADEMIC  
YEAR 2020-21 IN THE EDUCATIONAL  
INSTITUTIONS IN STATE OF MAHARASHTRA**

Government of Maharashtra  
School Education & Sports Department  
Government Resolution- 2020/PK-33/SM-6  
Mantralay Mumbai – 40032  
Date 08.05.2020

Ref-

- 1) Epidemic Diseases Act 1897
- 2) Disaster Management Act 2005
- 3) Maharashtra Educational Institutions Regulation of Fee Act 2011
- 4) Maharashtra Educational Institutions Regulation of Fee Rules 2016
- 5) Notification of the Public Health Department Dtd.13.03.2020
- 6) School Education & Sports Department's Resolution- 2020/PK-33/SM-6 Dtd.30.03.2020

**Introduction-**

World Health Organization has declared the Covid 19 virus disease as global pandemic. To control this pandemic, preventive measures are being taken under the Epidemic

Diseases Act 1897 & The Disaster Management Act 2005 with reference no.5 above mentioned. The Lockdown has been enacted in the state. In spite of such serious situation, the government had received the complaints that some schools/institutions are compelling students/parents for making the payment of the educational fees hence with reference to no.6 ordinance the government has directed the all types of school management not to compel the students or parents to pay the current as well as upcoming academic year's fee. Instructions have been given to that such fee be collected post lockdown period.

Hence government has decided to exercise its power U/S 21 of the Maharashtra Educational Institutions Regulation of Fee Act 2011 & U/S 26 (i) (L) of the Disaster Management Act 2005-

#### Government Decision-

- 1) Instead of collecting the fees from the parents altogether, the parents be given the option to pay the fees monthly/quarterly as per their convenience.
- 2) No fee hike must be done for the academic year of 2020-21.
- 3) If no facilities are to be utilized & expenditure for the educational facilities are reduced, the same shall be mentioned before the Parent Teacher Association's Executive Committee & fees shall be reduced to that proportion only.

- 4) Parent shall be given the option to pay the fees online due to the Lockdown inconveniences.

The orders above mentioned shall be applicable to educational institutions of all the boards, mediums for the students of standard 1<sup>st</sup> to 12<sup>th</sup>.

This government resolution shall be available on <http://www.maharashtra.gov.in> with reference code-202005081201507421. This order has been digitally signed & certified.

In the name & orders of the governor of the state.

Digitally Signed by Vandana Krishna

Date 2020.05.08

Vandana Krishna

Additional Secretary

Copy-

1. Secretary of Hon'ble Governor, Maharashtra
2. Principal Secretary of Hon'ble Chief Minister, Maharashtra
3. Personal Secretary of Hon'bleDty Chief Minister, Maharashtra
4. Personal Secretary of Hon'ble Education Minister
5. Chief Secretary, Government of Maharashtra

6. Commissioner, Department of Education, Maharashtra
7. All Directors of Education, Pune Department
8. President/Secretary Maharashtra State Secondary & Higher Secondary Board, Pune
9. All Dty Director of Education are directed to communicate these orders to all the educational institutions
10. All the Education Officers

  
// True Translated Copy//

Office of Director Public Instructions (Secondary Education)  
Punjab At Punjab School Education Board Complex, Phase –  
VIII, Mohali  
(Grant Pension – 2 Branch)  
deputydirectorpas@yahoo.co.in

To,

Management/ Principals,  
All the Private Un-Aided Schools,  
State of Punjab.

Memo No.1 04/02-2020GP-2(1)/  
Dated, SAS Nagar, 14.05.2020

Subject – Regarding fee of the Private Unaided schools –  
COVID 19

**1.0**The situation created by the outbreak of Covid- 19 pandemic and the resultant lockdown is indeed unprecedented. The lockdown has necessitated forced closure of all educational institutions including schools The State Government imposed lockdown and curfew w.e.f. March 24<sup>th</sup>, and thereafter MHA (Gol) imposed a national lockdown w.e.f. March 25<sup>th</sup> under the provisions of the Disaster Management Act, 2005. All schools have been closed across the country during this period although online/distance learning has been permitted.

**2.0**The Department of School Education had, in its order of March 23<sup>rd</sup> 2020, directed all private unaided schools to re-schedule the payment of admission fees for the new academic session which are normally deposited by 31<sup>st</sup> March 2020.

Further, it had also stated that a period of one month would be provided to parents for depositing such fees after normalization of circumstances and that schools are not to charge any penalty for late payment of fees.

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**3.0**In these circumstances, following directions are issued :-

- i. The schools shall not charge any fee for the period of lockdown/curfew, excluding the period of summer break. However, those schools who have provided or are providing online education during the period of lockdown, may charge tuition fee only, i.e. fee other than building charges, transportation charges, charges for meals, etc.
- ii. Given the exceptional circumstances occasioned by the lockdown, private schools are advised not to impose any increase in school fees in 2020-21 over those charged in 2019-20.
- iii. Schools should allow the option to parents to pay fees on monthly or quarterly basis
- iv. School managements are further advised to sympathetically consider the cases of students whose parents livelihoods may have been adversely impacted due to the lockdown, for fee waiver/concession and that no child may be denied access to education (online or regular) on non-payment of fee.
- v. School managements should not resort to removal of any teacher or reduction in the monthly salary or total emoluments of teaching/ non-teaching staff.



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- vi. Schools shall endeavor to impart online/ distance learning so that education is not adversely impacted due to the present or future lockdowns imposed due to COVID- 19, and
- vii. Apart from above, the Department may take any other attendant measures as it may deem reasonable and justified in the overall interest of school education.

This issues with the approval of Honorable Chief Minister, Punjab.

Director Public Instructions (S. E.)


Endst. No. –even-

Dated, SAS Nagar, 14.05.2020

Copy forwarded to following for information –

1. P. S. to Education Minister, Punjab.
2. P. S. to Secretary School Education, Punjab.
3. P. S. to Director General of School Education, Punjab.
4. Director Public Instructions (Elementary Education), Punjab.
5. All District Education Officer (S. E. & E. E.) in the State of Punjab for necessary action.
6. Copy to DM, MIS for uploading on website and for intimating all the Private Unaided Schools in the State through Email and SMS.

Director Public Instructions (S. E.)

  
//True Typed Copy//

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: 24th April, 2020*

W.P.(C) 2993/2020

NARESH KUMAR ..... Petitioner

Through: Dr. N. Pradeep Sharma, Adv.

versus

DIRECTOR OF EDUCATION & ANR. .... Respondents

Through: Mr. Ramesh Singh, Standing  
Counsel for GNCTD.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**D. N. PATEL, Chief Justice (Oral)**

1. The Court is convened through Video Conferencing.
2. Consequent on the global devastation wrought by the n-COVID-2019 pandemic, to which India is no exception, the executive administration in this country has had to take certain hard-hitting decisions, and to put in place a slew of curbs, restraints, and containments, so as to minimise, to

the extent possible, the societal effect of the viral pandemic. Many establishments and offices, save and except those which render essential services, or trade in essential goods and commodities, have had to be shut down, and a near complete lockdown imposed, on a national scale, completely prohibiting movement of the public in open spaces. This, unfortunately, has resulted in hardship – albeit unavoidable – to various persons engaged in their daily professions and occupations. Aligned to these considerations, the executive administration, both at the Centre and in various States, including the Government of National Capital Territory of Delhi (GNCTD) have issued orders, instructions and notifications, almost on a daily basis, aimed at mitigating the difficulties faced by the common man.

3. The situation, in which we are placed today, is one which the country – and, indeed, the world – has not witnessed earlier and, hopefully, would not have to witness again. It is incumbent, on every member of the populace, to be aware of the forbidding nature of the struggle, between man and microbe, in which each one of us is a participant, willing or unwilling. A joint, cohesive and concerted effort, alone, can result in success in this struggle. This would involve, in its wake, certain sacrifices, which, within the peripheries of the law, each one of us has to make. We cannot afford, in such a situation, to balk at inconveniences.
4. With this backdrop, we may turn to the Order, dated 17<sup>th</sup> April, 2020, issued by the Directorate of Education (DoE), GNCTD, forming subject matter of challenge in this writ

petition. It is necessary, in view of the nature of the controversy, to reproduce this order, *in extenso*, thus:

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**“DIRECTORATE OF EDUCATION GOVT. OF  
NCT OF DELHI OFFICE OF THE DIRECTOR  
OF EDUCATION**

**OLD SECRETARIAT, NEW DELHI – 110054**

---

**F. No. PS/DE/2020/54**

**Dated:- 17/04/2020**

**ORDER**

Whereas, the Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID-19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for Prevention and Containment of COVID-19 are in force in NCT of Delhi at present. Hence all are required to comply with the provisions of the same.

Whereas, everyone is aware that the outbreak of Novel Corona Virus (COVID- 19) has been declared as Pandemic by WHO and at present, it is a major threat to life and, therefore, a grave matter of concern in the country, being social emergency life situation including Delhi. India is under a 21-day Lockdown with effect from March, 24 2020 and people are under strict directions to restrain from going out of their homes.

Whereas, it is also a fact that in view of the spread of COVID-19, all business/professional/other activities (other than essential ones) have ceased to function as a precautionary measure to contain COVID- 19 due to which, *some parents, are not in a position to pay the school fee of their wards at increased rates or even at existing rates if demanded on quarterly basis in one go.*

Whereas, in such an unfavourable situation, supply out of compassion for fellow citizens, most of the Charitable Trusts, Charitable Societies, NGOS/Social Organisations and even Individuals are extending their support voluntarily to deal with the war- like situation arisen due to the spread of COVID-19 in their respective fields.

Whereas, in such a situation, when all sections of society are contributing their best to help out those in need, it has been brought to the notice of the undersigned that *some private unaided schools are not only violating the provisions of Delhi School Education Act and Rules 1973 and other guidelines issued by the Department in respect of regulation of fee but also the provisions of above referred Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID-19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID-19 presently in force.*

Whereas, *some schools have increase the fee in the academic session 2020-2021 without taking cognizance of the prevailing situations in view of the announcement of lockdown*

by the Central Government and despite the enforcement of Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID-19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID-19 and also without compliance of the mandatory provisions of section 17 (3) of Delhi School Education Act 1973 and several other guidelines issued by the Department from time to time in this regard. Some schools have increase the fee without seeking approval of Director (Education) even though they are running on the land allotted by the DDA/Other Land Owning Agencies with such condition.

Whereas, it has further come to the notice that *some private schools have started charging the fees from the students under various new heads* in violation of the directions of Hon'ble Supreme Court as well as the directions of the Directorate of Education.

Whereas, *it has also been learnt that some private schools have started providing online learning material/classes to the students of their respective schools for the academic session 2020-21 so as to cover the learning/ curricular activities of this academic session. This is a welcome step in the interest of students.* However, it is matter of grave concern that *some schools are found indulging in the following malpractices which are inhuman, especially in view of the outbreak of Corona Virus (COVID-19):-*

- i. Heads of the Schools are not providing the ID & Password to access Online learning/educational material/classes to those students *whose parents who have not paid or not agreed to pay the illegal increased fee of the school.*
- ii. *Heads of the schools are demanding and collecting the fee from the parents/students on quarterly basis.*
- iii. Heads of the schools are not providing ID & Password to the students/parents so as to access the online learning activities/classes *who are unable to pay the school fee due to financial crisis on closure of business activities in the ongoing lockdown condition.*
- iv. *Some private schools are not paying salary to the teaching and non-teaching staffs in this ongoing lockdown or paying less salary to the extent of 40% to 50% of their total emolument which is against the spirit of direction of Govt of Delhi issued in this regard as well as relevant provisions of DSEA Act, 1973. This has resulted in acute financial difficulties being faced by the teaching and non-teaching staffs working in the Private schools.*

Whereas, attention of all HOSs and managers of the Private Unaided Schools of Delhi is invited to the provisions of DSEAR 1973 in accordance to which they are under the direct control of Charitable Society/Trust. Being Charitable Societies/Trusts, they

are supposed to indulge in charity, especially when they are engaged in the noble field of providing education to the society – without indulging in profiteering. Accordingly, they are also supposed to extend their maximum support (to those parents who are in financial distress at this time and unable to pay to school fee) by providing learning material online to all students without any discrimination and hindrance and also by not charging any increased tuition fee or any other fee by creating any new head.

And whereas, attention is also invited towards Rule 165 of DSEAR, 1973 which provides “All fees and contributions payable to a school by a student shall be payable by the 10<sup>th</sup> day of the month in which they are due:

Provided that where the school remains closed on the 10<sup>th</sup> day of the month, such fees or contributions shall be payable on the date following the 10<sup>th</sup> day on which the school reopens:

Provided further that where the school remains closed for the long vacation, fees and contributions shall be payable within 10 days from the day on which the school re-opens after the long vacation”.

And whereas, it is also a fact that due to early closure of schools in the wake of COVID-19 and thereafter due to announcement of lockdown, *the expenditure on co-curricular activities, sports*



*activities, transportation, other development related activities etc*  
is almost nil.

And whereas, as per the provisions, the tuition fee charged from the students, covers all the expenditure to be incurred *on salary, establishments and curricular activities.*

Now, therefore, under section 39(i) of The Disaster Management Act, 2005, wherein responsibilities have been conferred upon Directorate of Education, being one of the Departments of State Government and in exercise of the powers conferred under Section 17(3) of DSEA, 1973 and read with Rule 43 DSEAR, 1973 and under other enabling provisions of the above Acts and Rules or any other, all Heads/Managers of the private unaided recognised schools of Delhi are hereby directed as under:-

- i. No fee, except Tuition fee, shall be charged from the parents, till further orders.*
- ii. Heads of the schools shall not demand and collect the Tuition fee from the parents/students on quarterly basis. The fee shall be collected on monthly basis only.*
- iii. Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.*

- iv. The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the Tuition fee on the basis of last fee structure approved by Director (Education) or as per fee statement filed by them under 17(3) of DSEAR, 1973 during academic session 2015-16.
- v. *Shall ensure to provide the access of Online Education/materials/classes to all students, without any discrimination, by providing them ID and Password immediately to get them online education facility.*
- vi. Heads of the schools shall, in no case, deny ID & Password to those students/parents for getting online access of educational facilities/classes/materials etc. *to those students who are unable to pay the school fee due to financial crisis arising out of closure of business activities in the ongoing lockdown condition.*
- vii. Managing Committee of the schools/Heads of the school shall not put extra financial burden by creating any new head of fee.
- viii. Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society/Trust running the school.

Failure to comply with above instructions shall invite action not only under the relevant provisions of DSEAR, 1973 and IPC

but also punishment under Section 51(b) of The Disaster Management Act, 2005 which provides that whoever, without reasonable cause:-

“Refuse to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

Shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years”.

Sd/-

(BINAY BHUSHAN)

DIRECTOR OF EDUCATION”

(Italics supplied; underscored in original)

5. We may now advert to the prayer clause in this writ petition, which reads thus:

“It is most respectfully prayed that this Hon’ble Court may graciously be pleased to:

- A. Issue an order or direction to the Respondents to further direct the schools, not to charge the tuition fees from the students keeping in view the present situation of COVID 19 at least for the lockdown period in the interest of justice.
- B. Set aside/modify the order dated 17.04.2020, passed by the Govt of National Capital Territory of Delhi, bearing F. No. PS/DE/2020/54 to the extent that the tuition fees if any, be charged after an appropriate and reasonable time from the re-opening of the schools and as this Hon'ble Court may deem fit.
- C. Pass such other or further order(s) as may be deemed fit and proper in the facts and circumstances of the present case.”
6. Before proceeding to examine the challenge, in the writ petition, on merits, we wish to draw attention to one disquieting feature. The petitioner is a practicing advocate. He does not claim to have any personal interest in this matter. The writ petition does not disclose the name of even a single parent, or student, who is aggrieved by the impugned Order dated 17<sup>th</sup> April, 2020. Strangely, the writ petition does not even claim to espouse the cause of any such parent, or student. A reading of the writ petition reveals that, on the basis of certain news paper reports, which are referred to the impugned Order, dated 17<sup>th</sup> April, 2020, the petitioner “on great persuasion”, “could manage some of the fee receipts of some private schools”, regarding the tuition fees charged by them. Thereafter, the writ petition proceeds to aver that “in view of the spread of

COVID-19, all businesses/professionals/self-employed persons/and others have ceased to earn and are dependent upon their savings *and are not in a position to pay the school fees of their wards even at the existing rates*". The basis, for the somewhat bold averment, of the petitioner, that no businessman, professional or self-employed person is in a position to pay school fees of her, or his, ward, at the existing rates, is not forthcoming; it appears, *ex facie*, to be the perception of the petitioner, and the petitioner alone. This averment finds place, yet again, in para 5(m) of the writ petition.

- 7. The writ petition also avers, in para 4 thereof, that "the class persons for whose benefit the petition has been filed and as to such persons are incapable of accessing the Courts themselves". Again, on the face of it, this averment is incorrect. We reiterate that we do not have, before us, even a single parent, who claims to be aggrieved by the impugned Order. We have serious misgivings, in these circumstances, on the issue of whether the petitioner has any *locus standi*, at all, to maintain the challenge which he purports to espouse, especially in the form of a public interest litigation.
- 8. Leaving aside, however, for the nonce, the question of the petitioner's locus, we propose to examine the challenge, in the writ petition, on its own merits, so as to obviate yet another challenge, on similar grounds.
- 9. A reading of the impugned Order, dated 17<sup>th</sup> April, 2020, is revealing. The Order takes clear stock of the emergent

situation that has arisen as a result of the COVID-19 pandemic, as well as of the precautionary and restrictive measures imposed, by the Central and State government, to contain its spread, including the imposition of lockdown. The fact that, as a consequence of these measures, all business, professional and other activities, save and except those which may be termed as “essential”, have ceased, and that persons have been restrained from leaving their homes, has also been specifically noted. Thereafter, insofar as schools and educational institutions are concerned, the impugned Order refers to the following malpractices, in which certain schools have been found to be indulging:

- i. increasing the school fee for the 2020-2021 academic session, unmindful of the situation that has arisen as a result of the COVID-19 pandemic and the lockdown imposed consequent thereto, in contravention of the Disaster Management Act, 2005 (hereinafter referred to as “the Disaster Management Act”), the Daily Epidemic Diseases, COVID-19 Regulations, 2020 and Section 17(3) of the Delhi School Education Act, 1973 (hereinafter referred to as “the DSE Act”)
- ii. charging of school fees under new heads,
- iii. not providing the ID and password, for dissemination of online education, to students whose parents have refused to pay *the illegal increased fee* of the school,
- iv. collecting fees from parents and students on a quarterly basis,

- v. not providing the ID and password, to students, *whose parents are unable to pay school fee due to financial crisis on account of closure of business activities, consequent on the lockdown*, and
- vi. not paying salaries to teaching and non-teaching staff – with which we, in this petition, are not concerned.

10. Significantly, the impugned Order, dated 17<sup>th</sup> April, 2020, notes the effort, on the part of certain private schools, to disseminate education online, as a welcome step, aimed at ensuring that students do not suffer, in their curricular activities during the 2020-2021 academic session. We wholeheartedly endorse this sentiment. Judicial notice may be taken, of the painstaking efforts, made by schools and teachers, in providing education, and holding classes, through online platforms. The effort in physically teaching students, in a regular classroom, cannot even remotely be compared with the effort that the teacher has to expend, in providing online education. It is a matter of common knowledge that, in doing so, the effort required to be put in, by the teacher, and the strain to which the teacher subjects herself, or himself, is tremendous, and the efforts of teachers – referred to, often, as the noblest among all noble professions – require to be commended in the highest terms. We unhesitatingly place, on record, our wholehearted appreciation, of the efforts of teachers, and schools, towards this end.

11. Reverting, now, to the impugned Order dated 17<sup>th</sup> April, 2020, the DoE has, after taking stock of the aforementioned malpractices, in which some schools were found to be

indulging, issued the directions, enumerated therein and reproduced hereinabove. Of these, the only direction, with which the petitioner claims to be aggrieved, is the first, whereby schools have been interdicted from charging any fee, *except tuition fee*, from parents. The petitioner complains against this exception. The writ petition, therefore, prays that this exception be done away with, and the impugned Order, dated 17<sup>th</sup> April, 2020, be consequently modified, by granting complete exemption from payment of any fee, including tuition fee, at least for the period during which the presently existing lockdown continues to be in place. In the alternative, the writ petition prays that the impugned Order, dated 17<sup>th</sup> April, 2020, be modified to the extent that tuition fees be charged “after an appropriate and reasonable time from the reopening of the schools”.

12. Advancing submissions on behalf of the petitioner, Dr. N. Pradeep Sharma, learned Counsel draws our attention, initially, to the various malpractices, allegedly being perpetrated by some schools, to which the impugned Order, dated 17<sup>th</sup> April, 2020, refers. We are not required to enter into this aspect, as the challenge, in the writ petition, is restricted to the permissibility, or schools, to charge tuition fees, during the period of the COVID-19 crisis or the lockdown imposed as a consequence thereof. The impugned Order, dated 17<sup>th</sup> April, 2020, itself contemplates punitive action against schools indulging in any other misdemeanors, and we expect the DoE to be vigilant and proactive in that regard. Given the limited



prayers in the writ petition, we are not required to opine further on this aspect.

13. Dr. Sharma has placed reliance on Rule 165 of the Delhi School Education Rules, 1973 (hereinafter referred to as “the DSE Rules”), to support the prayer, in the writ petition, for a direction, to schools, not to charge tuition fees during the period for which the lockdown, presently in place, continues to operate. We are unable to subscribe to the submission. Rule 165 stands reproduced in the impugned Order. Dr. Sharma places reliance on the first proviso to the said Rule, which, in a case in which the school is closed on the 10<sup>th</sup> day of the month (by which date fees are payable), defers the requirement of payment of fees to the date following the 10<sup>th</sup> day on which the school reopens. Schools, being presently closed, Dr. Sharma would seek to rely on this proviso to submit that tuition fees cannot be charged by schools, during the period of such closure. We do not agree. So long as education is being imparted online, and students are availing the benefit thereof, in our opinion, schools cannot be treated as “closed”, so as to disentitle them from charging tuition fees.

14. Closely analyzed, it is obvious that, while engrafting the said proviso, the framers thereof never contemplated, even remotely, the imposition of lockdown, such as the present, or, consequent thereupon, the dissemination of education through online platforms. Interpretation of a statutory instrument, it is trite, has to be informed by the considerations which could, foreseeably, have been in the

mind of the framers of the statute, at the time of its framing. It is obvious that the proviso, to Rule 165 of the DSE Rules, when it refers to closure of schools, contemplates a situation in which, owing to physical closure of the school, it is impossible to pay school fees by the due date. *Ex facie*, the first proviso merely defers the stage of payment, of school fees, in such cases, to the appropriate time, when such payment would become possible, and no more.

15. Clearly, therefore,, Rule 165 does not deal with the *chargeability* of tuition fees, but only with the *payability* thereof. The prayers, in the writ petition are, on the other hand, concerned, not with the payability of the tuition fees, but with their chargeability. The petitioner seeks that, for the period during which the lockdown is in place, no tuition fees be charged by schools as, in his submission, they are “closed”. We find the submission to be fundamentally misconceived. While there can be no cavil, to the proposition that the requirement of payment of school fees would, necessarily, become enforceable only where the fees are payable, i.e., where the parents are physically in a position to pay the school fees, we cannot agree that, during the period of lockdown, or during the period when online education is being provided by the schools, and availed of, by students, tuition fees should be exempted. So long as schools are disseminating education

online, they are certainly entitled to charge tuition fees. Rather, the expenditure involved in disseminating education online may, conceivably, be much greater than that involved in classroom teaching. Providing e-education is no child's play, and involves the requirement of extensive infrastructural adjustments, including all incidental expenses in arranging access to online platforms, over which education could be provided, and in actually providing such education. To suggest that, having made all these arrangements, schools should not be permitted to charge tuition fees, would be bordering on absurdity.

16. We find that the impugned Order, dated 17<sup>th</sup> April, 2020, has correctly analysed the situation, by distinguishing between expenditure incurred by schools "on co-curricular activities, sports activities, transportation, other development -related activities, etc." and expenditure incurred on "salary, establishments and curricular activities". Fees relatable to expenditure incurred on the former category of activities, i.e. co-curricular activities, sports activities, transportation and other development related activities, stand completely exempted by virtue of the impugned Order, dated 17<sup>th</sup> April, 2020, and no school can charge any fees relatable thereto. The impugned Order, however, does not exempt students from the requirement of payment of tuition fees, for the simple reason that tuition fees cover salary, establishments and curricular activities, the expenditure where on continues to be incurred by schools, even during the period of lockdown,

and before they are able to resume normal work. Money does not grow on trees, and unaided schools, who received no funds from the Government, are entirely dependent on fees, to defray their daily expenses. We, therefore, find that, in allowing unaided schools to charge tuition fees, whereby expenses incurred on salary, establishments and curricular activities may be defrayed by them, the impugned Order dated 17<sup>th</sup> April, 2020, strikes a wholesome balance, with which we are ill-inclined to interfere.

17. Rule 165 of the DSE Rules, therefore, continues to apply, insofar as actual payment, by the students, or their parents, of tuition fees, is concerned. In other words, fees would be payable only when it is possible to do so. If, for reason of the school being physically closed, it is impossible to pay the fees, we expect all schools to defer the requirement of payment thereof, till such time as it becomes possible for fees to be paid. We are clear in our minds, however, that Rule 165 cannot be pressed into service to seek *exemption, from the requirement of payment of tuition fees*, for the period during which the schools remain physically closed, and are imparting education through online platforms. Students would be mandatorily required to pay tuition fees during this period, and, in so requiring, we do not find the impugned Order, dated 17<sup>th</sup> April, 2020, of the DoE, deserving of interference in any manner.

18. Dr. Sharma, thereafter, draws attention to the financial hardship being faced by professionals and businessmen, as well as by persons from the poorer sections of society, during the period of lockdown. Mr. Ramesh Singh, learned

Senior Standing Counsel for the DoE correctly draw attention, in this context, to the fact that the impugned Order, dated 17<sup>th</sup> April, 2020, itself prohibits schools from denying ID and password, to students, for obtaining access to online learning platforms, merely because, “owing to financial crisis arising out of closure of business activities in the ongoing lockdown condition”, the parents of such students are unable to pay school fees. This, again, is a wholesome provision and, once it finds place in the impugned Order dated 17<sup>th</sup> April, 2020, we feel that the apprehension of the petitioner stands effectively allayed. We, however, make it clear that we expect the DoE to, while implementing this provision, ensure that it is not misused, and extend its magnanimity only to persons who are, actually, in a state of financial crisis, owing to the lockdown. It would be necessary for parents, seeking the benefit of this relief, to establish, to the satisfaction of the school, or the DoE, that, owing to the lockdown, they are, in fact, financially incapacitated from paying school fees. If they do so, the impugned Order dated 17<sup>th</sup> April, 2020 expressly mandates schools to provide online education, by making the ID and password, required in that regard, available. In our opinion, this effectively addresses the concerns, expressed by the petitioner, with respect to parents who, owing to the lockdown, find themselves in financial doldrums.

19. Dr. Sharma further invited our attention to the guidelines, framed by the Central Government, under the Disaster Management Act, persons affected by disaster, which “shall include –

- i. the minimum requirements to be provided in relation to shelter, food, drinking water, medical cover, and sanitation;
- ii. the special provisions to be made for widows and orphans;
- iii. express your assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood;
- iv. such other relief as may be necessary.”

Dr. Sharma would seek to submit that, under the residual clause (iv) of the afore-extracted guidelines, “necessary relief”, in the form of exemption from payment of tuition fees, may be directed to be provided. The submission, in our view, is, again, totally misconceived. It is not for this Court to arrive at a policy decision, regarding the relief that is to be provided to persons, affected by any disaster, including the COVID-19 epidemic. No doubt, where, for unconstitutional reasons, any relief, mandatorily required to be provided, is not provided, or where, in providing relief, the executive administration acts in a discriminatory or arbitrary manner, the Court can – and will – interfere. Where, however, relief has been provided, by the executive administration, this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, would not substitute its own view, and direct providing of further relief, save and except in exceptional situations. In the present case, the impugned Order, dated 17<sup>th</sup> April, 2020, provides for exemption from payment of all fees, except tuition fees, which is relatable to salary, establishment and curricular activities, all of which continue even during the period of lockdown. We are not

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inclined, therefore, to direct the DoE to grant exemption, to all students, from payment of tuition fees, during the period of lockdown, either by invoking the afore-extracted residual clause (iv) of the Guidelines framed under the Disaster Management Act, or otherwise. We find, therefore, no substance in this submission, of Dr. Sharma, either.

20. Dr. Sharma further sought to submit that unaided schools were, in all cases, run by trusts or societies, and, instead of charging fees from students, schools or, during the period of “COVID lockdown”, to source their expenses from the monies available with their parent trusts, or societies. The submission, in our view, requires merely to be urged, to merit outright rejection. It is not possible for this Court to issue any mandamus, directing unaided schools – who, it is trite, received no financial aid from the executive and are, therefore, dependent on fees for their expenses – to delve into the monies available with their parent trusts, or societies, for defraying the expenses involved in payment of salaries, maintenance of their establishment and imparting of online curricular education. Advisedly, the impugned Order, dated 17<sup>th</sup> April, 2020, too, observes that, by virtue of the amounts available with their parent trusts and societies, unaided schools are also required to extend support to parents who are in financial distress owing to the situation created by the COVID pandemic, and to refrain from charging any “increased tuition fee or any other fee by creating any new other fee by creating any new head”.

21.No direction, therefore, in our view, can be issued, to unaided/private schools, not to charge tuition fees during the period of the lockdown, consequent on the COVID pandemic, and to source the funds, for meeting expenses relatable to salaries of their staff, maintenance of their establishment, and providing of online education, from the monies available with their parent trusts/societies. This submission, of Dr. Sharma, too, therefore, does not commend acceptance.

22.The impugned Order, dated 17<sup>th</sup> April, 2020, passed by the DoE, therefore, in our view, strikes the correct balance between the legitimate concerns of the institutions, and of parents/students, even while safeguarding the interests of parents who may find themselves in impecunious circumstances, owing to the lockdown presently in place, or due to closure of their businesses/establishments.

23.The writ petition is, therefore, in our view, completely bereft of substance.

24.Before parting with this judgment, we may observe that a similar challenge had come up, before the learned Single Judge of this Court, in WP (C) 2977/2020 (*Rajat Vats v. GNCTD*), and was dealt with, in paras 7 and 8 of the judgment of the learned Single Judge, thus:

“7. Insofar as the tuition fee is concerned, the charging of the same would be justified in view of the fact that almost all the schools are conducting online classes and teachers are discharging their functions by imparting course work over



online platforms, checking project work online, correcting papers wherein students have already given examinations, preparing questions and lessons taught and supervising students to complete the work given etc. There is also a burden on the schools to pay their staff during these months.

8. The authorities having taken cognisance of the issue and further the matter being one in the policy domain, this Court is not inclined to interfere.”

25. We endorse, in its entirety, the above view of the learned Single Judge.

26. In view of the above discussion, we see no reason to entertain this writ petition which is, therefore, dismissed, albeit with no orders as to costs.

**CHIEF JUSTICE**

**C. HARI SHANKAR, J.**

**APRIL 24, 2020**



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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of decision: 20<sup>th</sup> April, 2020*

**W.P. (C) 2977/2020 & CM Nos. 10327-28/2020**

**RAJAT VATS**

..... Petitioner

Through : Petitioner in person. (M:  
9911036464)

versus

**GOVT. OF NCT OF DELHI & ANR**

..... Respondents

Through: Mr. Ramesh Singh, Standing  
Counsel, GNCTD

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been held by way of a video-conference.
2. The Petitioner, who is a practicing lawyer, has filed the present petition seeking the following prayers.

*“A) Issue a Writ of Mandamus or any other appropriate Writ levied under Constitution of India directing respondents to give relaxation or suspend fees of Private Schools of any nature in the State of NCT of Delhi in terms of transportation or other charges except tuition fees for the month of April, May and June 2020 on account of the COVID 19 pandemic which has affected the entire world.*

*B) pass such further or other orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice."*

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3. It is submitted by the Petitioner that during the lock-down period students of various private schools in Delhi ought not to be made to pay the transport charges, fee for extra-curricular activities and other fees which are charged by the school. He submits that since schools are not functioning, payment of tuition fee be also postponed.
4. Mr. Ramesh Singh, Id. counsel for the Govt. of NCT of Delhi submits that the Government is fully conscious of the issues raised by the Petitioner in the present petition. On 17<sup>th</sup> April, 2020 the Directorate of Education has already passed an order to the effect that no fees except tuition fee be charged. Various directions issued in the said order are relied upon to submit that the government is fully conscious of such students who may have financial difficulties and course material and classes have been made available even to them.
5. Mr. Vats submits that a number of parents have deposited extra fee, apart from the tuition fee, in advance. The adjustment of the same ought to be granted. Mr. Ramesh Singh, Id. counsel submits that the Government would consider this submission on its own and no directions need be passed.
6. Heard Id. Counsels for the parties. The order dated 17<sup>th</sup> April, 2020 passed by the Directorate of Education, provides as under:

- i. *No fee, except Tuition fee, shall be charged from the parents, till further orders.*
- ii. *Heds of the schools shall not demand and collect the Tuition fee from the parents/students on quarterly basis. The fee shall be collected on monthly basis only.*
- iii. *Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.*
- iv. *The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the Tuition fee on the basis of last fee structure approved by Director (Education) or as per fee statement filed by them under 17 (3) of DSEAR, 1973 during academic session 2015-16.*
- v. *Shall ensure to provide the access of Online Education/material/classes to all students, without any discrimination, by providing them ID and Password immediately to get them online education facility.*
- vi. *Heds of the schools shall, in no case, deny ID and Password to those students/parents for getting online access of educational facilities/classes/materials etc to those students*

who are unable to pay the school fee due to financial crisis arising out of closure of business activities in the ongoing lockdown condition.

- vii. Managing Committee of the schools/Heads of the schools shall not put extra financial burden by creating any new head of fee.
- viii. *Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society/Trust running the school.”*

It is clear from the above that the authorities have already barred the charging of any fees except tuition fees. A perusal of points (v) & (vi) above shows that even those students who are unable to pay school fee due to financial crisis, course-work and other material is being made available to them. Such students are also permitted to avail of online classes. It is further clear that schools cannot deny access of online classes and other educational facilities due to non-payment of fees. Schools are also not permitted to charge any new head of fees.

7. Insofar as the tuition fee is concerned, the charging of the same would be justified in view of the fact that almost all the schools are conducting online classes and the teachers are discharging their functions by imparting course work over online platforms, checking project work online, correcting papers wherein students have already given examinations, preparing questions on lessons taught and supervising students to complete the work given etc. There

is also a burden on the schools to pay their staff during these months.


8. The authorities having taken cognizance of the issue and further the matter being one in the policy domain, this Court is not inclined to interfere.
9. At this stage, Mr. Vats submits that some schools are demanding a consolidated fee, without distinguishing the various heads i.e., tuition fee, co-curricular activities fee etc., If there is any specific complaint against any particular school, the parents concerned would be entitled to bring the same to the notice of the Directorate of Education, which shall take steps in accordance with law.

With these observations, the petition is disposed of. All pending applications are also disposed of.

**PRATHIBA M. SINGH**  
**JUDGE**

**APRIL 20, 2020**

*dk/T*

  
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ANNEXURE P-19**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Civil (PIL) Writ Petition No. 5338/2020

Rajeev Bhushan Bansal S/o Shri Bharat Bhushan Bansal, Aged  
About 39 Years, R/o 80/207, Patel Marg, Mansarovar, Jaipur  
(Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Director Secondary Education Rajasthan, Samta Nagar, Bikaner, Rajasthan, 334001.
2. Union Of India Through Secretary Department Of School Education And Literacy, Ministry Of Human Resource Development, 124-C, Shastri Bhavan, New Delhi.
3. Chairperson, Central Board Of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi-110092.
4. Secretary, Central Board Of Secondary Education, Shiksha Sadan, 17, Rouse Evenue, Industrial Area Near Ito, New Delhi-110002.

----Respondents

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For Petitioner(s) : Mr. Rajeev Bhushan Bansal in person,  
through video conferencing.

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For Respondent(s) : Mr. Anuroop Singhi, through video conferencing.

Mr. M.S. Raghav, through video conferencing.

Mr. Ganesh Meena, AAG through video conferencing.

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**HON'BLE MRS. JUSTICE SABINA  
HON'BLE MR. JUSTICE CHANDRA KUMAR SONGARA**

**Order**

**14/05/2020**

Petitioner has filed this Public Interest Litigation under Article 226 of the Constitution of India

Petitioner appearing in person through video conferencing has submitted that due to lockdown situation parents are unable to pay necessary fee to the private school authorities. Hence, petitioner has submitted that the fee required to be paid by the parents *vis-a-vis* their children be ordered to be waived.

Learned State counsel has submitted that the State has taken a policy decision on 09.04.2020 and has deferred the due payment of private schools fee, as on 15.03.2020, for three months. It has further been notified that the name of any student



on account of non-payment of fee for the said period be not  
struck off from the school rolls.

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Keeping in view, the submissions made by the learned  
State Counsel, no ground for further interference by this  
Court at this stage is made out.

Petition stands disposed of accordingly.

**D.B. Civil Misc. Applications No. 1/2020, 2/2020, 3/2020 &  
4/2020:-**

Since, the main petition has been disposed of, the  
applications are rendered infructuous and are disposed  
of accordingly.

(CHANDRA KUMAR SONGARA), J

(SABINA),J

  
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**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**WRIT PETITION (PIL) NO. 59 OF 2020**

Japinder Singh

...Petitioner.

Vs.

Union of India and others.

..Respondents

**WRIT PETITION (PIL) NO. 60 OF 2020**

Akash Yadav

...Petitioner

Vs.

State of Uttarakhand and others.

...Respondents

Sri Ajay Veer Pundir and Ms. Abhilasha Belwal, Advocate holding brief of Sri Lalit Belwal, Advocates for the petitioners.

Sri Paresh Tripathi, Chief Standing Counsel for the State.

Sri Rakesh Thapliyal, Asst. Solicitor General for the Union of India.

Sri Sandeep Tiwari, Sri S.K. Mandal and Sri Shikhar Kacker, Advocates for the applicants in the Impleadment Applications.

Dated : 12<sup>th</sup> May, 2020

**Hon'ble Ramesh Ranganathan, C.J.**

**Hon'ble R.C. Khulbe, J.**

1. Issue notice to the private respondents returnable in two weeks.
2. The State Government issued an order on 02.05.2020, in furtherance of its earlier order dated 22.04.2020 whereby private unaided schools in the State were permitted to conduct classes online. In terms of the Government Order

dated 02.05.2020, these private schools were prohibited from collecting any fees other than tuition fees. This facility for collecting tuition fee was extended to private unaided schools only in cases where they were conducting online classes for its students. The private unaided schools, which were not conducting online classes, were prohibited even from collecting tuition fees from its students. These schools, which were also required to pay the salaries of their teachers and staff from their own funds, were directed to strictly adhere to the instructions issued in the Government Order dated 02.05.2020.

3. The complaint in these two writ petitions, among others, is that these private schools are coercing parents to pay tuition fees though the Government Order dated 02.05.2020 made payment of tuition fees by parents voluntary; some of these schools claimed to conduct online classes even for Upper Kindergarten students (i.e. children even below Class 1); this ruse has been adopted only to collect tuition fees from gullible parents; e-mails and WhatsApp messages were being sent by these schools calling upon parents to pay tuition fees of their children, though the Government Order required payment of fees to be voluntary; and, since the State of Uttarakhand is a hilly and poor State, several of its inhabitants lack internet access resulting in their children not being able to participate in the online classes conducted by the schools, despite which they are being forced to pay the tuition fees for their children.
4. A statutory obligation is cast on private unaided schools, under the Right of Children to Free and Compulsory

Education Act, 2009, to provide free education to certain categories of students who can ill-afford to pay the fees. Further, all private unaided schools in the State, be it affiliated to the State Board or to the Central Board of Secondary Education or to the ICSE, can only establish and run their schools on a No Objection Certificate being issued in their favour by the competent authority in the State Government.

5. While it is no doubt true, as contended by the learned counsel appearing on behalf of the private unaided educational institutions, that these schools are required to incur huge expenditure towards payment of salaries to their teachers and staff, establishment charges, rent for buildings, vehicle maintenance, ESI, EPF to its employees, etc., the current situation, where a lockdown has been imposed throughout the country because of the COVID-19 Pandemic, is unprecedented. The object of the Government Order dated 02.05.2020 is to ease the burden on parents, who do not even have the means to earn their livelihood in this period of crisis, in being required to pay the huge fees which these private institutions charge. While the difficulties of these institutions, in having to incur expenditure without collecting fees from its students, is understandable, times of crisis like these would require the haves to extend a helping hand to the have-nots. The Government Order dated 02.05.2020 binds these private schools and, as long as it continues to remain in force, they are bound to adhere to the conditions stipulated therein.

6. With a view to ensure proper and effective implementation of the Government Order dated 02.05.2020, we issue the following directions:
  - i. The State Government shall appoint the District Education Officer and the Block Development Officer, in each district, to be the Nodal Officers to whom complaints can be addressed by parents who are being coerced to pay tuition fees by private schools.
  - ii. Wide publicity shall be given in the media informing the public at large, in the State, that they can address their grievance in this regard to the Nodal Officers.
  - iii. On receipt of any such complaints, the concerned Nodal Officers shall take prompt action against the erring educational institutions who are coercing parents, to pay the tuition fees of their children, though the Government Order dated 02.05.2020 expressly stipulates that payment of tuition fees is voluntary.
  - iv. Since the Government Order dated 02.05.2020 enables only those institutions which run online classes to collect tuition fees, it is only those students, who are able to access the online course being offered by the private educational institutions, who would be required to pay the tuition fee, if they choose to do so.
  - v. Children, who do not have access to the online course, cannot be asked to pay the tuition fee.
  - vi. It does appear that subtle means are being adopted by these private institutions to force parents to pay the tuition fees. Since payment of tuition fee by students is voluntary, none of the private schools shall send e-mails or WhatsApp

messages or any form of communication to the parents calling upon them to pay the tuition fees.

**vii.** The Secretary, School Education, shall call for information from all the District Education Officers regarding the number of private schools, in their respective districts, which offer online courses, and the number of students who have access to such online courses. Information shall be obtained from each of these private schools as to whether tuition fees is being collected even from those students who have no access to the online course offered by the schools, and whether these schools have collected tuition fees from such students also. This information shall not only be collected from students of Class 1 to Class 10, but also with regards children who are undergoing their Upper Kindergarten. The Secretary, School Education, shall submit a detailed report in this regard to this Court by the next date of hearing.

**viii.** The Secretary, School Education, shall also furnish information regarding online classes being conducted by private schools for Upper Kindergarten students. He shall consider the wisdom in conducting such online programmes for these children in Upper Kindergarten, examine whether this is just a ruse to collect tuition fee from them, and issue appropriate directions, to all such private schools, in this regard as he considers appropriate.

**7.** All Interim Applications for Implement are ordered.

8. Post on 26<sup>th</sup> May, 2020 in the Daily Cause List by which date the Secretary, School Education shall submit his report to this Court furnishing the aforesaid details.


9. Let a copy of this order be issued today itself.

**(R.C. Khulbe, J.)**

**(Ramesh Ranganathan, C.J.)**

12.05.2020

12.05.2020

  
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ITEM NO.17 + 21 VIRTUAL COURT NO.1 SECTION X

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 6782/2020

(Arising out of impugned final judgment and order dated 12-05-2020 in WPPIL No. 59/2020 passed by the High Court Of Uttarakhand At Nainital)

PRINCIPALS PROGRESSIVE SCHOOLS ASSOCIATION,  
UTTARAKHAND

Petitioner(s)

VERSUS

JAPINDER SINGH & ORS.

Respondent(s)

(WITH IA No. 49085/2020 - EXEMPTION FROM FILING AFFIDAVIT AND IA No. 49084/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 49082/2020 - EXEMPTION FROM FILING O.T.)

WITH

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11536/2020  
(WITH IA No. 49441/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No., 49444/2020 – EXEMPTION FROM FILING O. T. and IA No. 49437/2020 – EXEMPTION FROM PAYING COURT FEE AND IA No. 49470/2020 – PERMISSION TO FILE ADDITIONAL



DOCUMENTS/ FACTS/ ANNEXURES AND IA No.  
49446/2020 – PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/ FACTS/ ANNEXURES AND IA No.  
49440/2020 – PERMISSION TO FILE PETITION  
(SLP/TP/WP/..) PERMISSION TO FILE PETITION  
(SLP/TP/WP/..)

Date : 27-05-2020 These matters were called on for hearing  
today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. P.N. Mishra, Sr. Adv.  
Mr. Sudhir Naagar, AOR  
Ms. Priyanka Singh, Adv.

Mr. Zoheb Hossain, Adv.  
Ms. Adeeba Mujahid, AOR  
Mr. Vivek Gurmani, Adv.  
Mr. Sanjeev Menon, Adv.  
Md. Shahrukh Ali, Adv.

For Respondent (s) Mr. Rupesh Kumar, AOR  
Ms. Neelam Sharma, Adv.  
Ms. Pankhuri Shrivastava, Adv.

Mr. Ajay Veer Pundir, Adv.

Ms. Anu Gupta, AOR

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UPON hearing the counsel the Court made the following

ORDER

Permission to file the special leave petition(s) is granted.

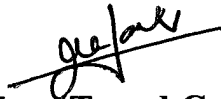
Issue notice returnable two weeks.

(SANJAY KUMAR-II)

ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)

ASSISTANT REGISTRAR



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**HON'BLE HIGH COURT OF ODISHA**

**W.P.(C) NO. 11299 OF 2020**


02. 24.04.2020                      Mr. D. Ray, learned counsel entered appearance on behalf of the petitioner along with vakalatnama. He is permitted to file the vakalatnama before the Registry.

The petitioner by way of this public interest litigation seeks for a directions both aided and un-aided schools to waive the tuition fees for the lockdown period from the month of March, 2020 till June, 2020 or actual commencement of classes, and not to increase any fee for the academic session 2020-21.

Issue notice to the opposite parties.

One extra copy of the writ petition be served on learned Addl. Government Advocate appearing for opposite party no.1, and another extra copy on the learned Standing Counsel for School and Mass Education Department appearing for opposite party no.2 within three days enabling them to obtain instructions or file counter affidavit.

.....  
**(DR. B.R. SARANGI)**  
**JUDGE**

.....  
 **(S.K. PANIGRAHI)**  
**JUDGE**  
//True Typed Copy//

**HON'BLE HIGH COURT OF ODISHA**

**W.P. (C) NO. 11299 OF 2020**

4. 26.05.2020 **I.A. NO. 5254 OF 2020**

Heard learned counsel for the parties.

This application has been filed for intervention. Considering the submissions made and averments stated in the interim application, the application for intervention is allowed.

The intervener-Confederation of Odisha Public Schools represented through its President be impleaded as opposite party no. 3 to the writ petition.

Amended cause title be filed within three days.

The I.A. is accordingly disposed of.

*(Mohammad Rafiq)*  
*Chief Justice*

*(S. Panda)*  
*Judge*

5. 26.05.2020

**I.A. NO. 5217 OF 2020**

Heard learned counsel for the parties.

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This application has been filed for intervention. Since the Confederation of Odisha Public Schools has already made opposite party no.3 to this writ petition, the interveners-Stewart School, Cuttack and New Stwerat School, Cuttack are permitted to intervene in the matter.

The I.A. is accordingly disposed of.

*(Mohammad Rafiq)*  
*Chief Justice*

*(S. Panda)*  
*Judge*

**W.P.(C) NO. 11299 OF 2020**

6. 26.05.2020 Heard learned counsel for the parties.

In the meanwhile the students of any private school shall not be deprived of participation in e-classes and shall be provided with the password and I.D.

Put up this matter on 11.06.2020, showing the names of the learned counsel appearing for the interveners in the cause list.

*(Mohammad Rafiq)*  
*Chief Justice*

*(S. Panda)*  
*Judge*



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**HON'BLE HIGH COURT OF PUNJAB & HARYANA**

**AT CHANDIGARH**

**CWP-7409-2020 (O&M)**

**(Heard through VC)**

**Independent Schools' Association Chandigarh (Regd.) and**

**others**

**V/s.**

**State of Punjab and others**

**Present:** Mr. Aashish Chopra, Advocate for the petitioners.

Learned counsel for the petitioners while referring to the letter/memo dated 14.05.2020 (Annexure P-11) *INTER ALIA* contends that Punjab School Education Board has given directions that schools can only charge tuition fee and not building charges, transportation charges, and charges for meals etc. At the same time at condition No. 3.0 (v), schools have been directed not to reduce the salary of the teachers. He further contends that both these conditions are contradictory keeping in view that on one side parents are to be given concession of not depositing the full fees and on the other side, schools are being directed not to reduce the salary of the teachers. He submits that all the private un-aided schools deposit funds under the head 'Reserved Fund' with the Punjab School Education Board which amounts to Rs.77 Crores at present and even with regard to running of the

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schools with minimum staff, sanitization is being done by the private schools and Govt. of Punjab has not come to help them on this side as well. He further contends that admission fee of the students cannot be stalled as this fee is taken one time by the parents when the child gets admission in school.

Notice of motion.

Ms. Anu Pal, Deputy Advocate General, Punjab accepts notice on behalf of the official respondents and states that schools charge fee under the different heads and transportation charges are always separate and this

**CWP-7409-2020 (O&M)**

cannot be made a ground to alter the letter/memo dated 14.05.2020 (Annexure P-11). However she seeks time to file detailed reply.

Keeping in view the present circumstances, interim direction is being given that the admission fee which is paid one time by the parents, shall be paid in two equal installments in six months and the 70% of the total school fee will be charged from the parents of the students and 70% salary will be paid to the teachers during the pendency of this writ petition.

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On the next date of hearing, learned counsel for the State will file detailed reply and further will get instructions as to how the respondents can help the private schools with regard to amount deposited in the 'Reserved Fund' for sanitizing the school buildings.

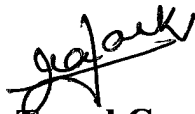
List on 12.06.2020.

**22.05.2020**

**Divyanshi**

**RITU BAHRI**

**(JUDGE)**



**//True Typed Copy//**



**HON'BLE HIGH COURT OF KERALA****C.S DIAS,J.****-----  
W.P (C ) No.10867 of 2020  
-----****Dated this the 3<sup>rd</sup> day of June, 2020.****REFERENCE ORDER**

1. The heartburn projected by the petitioners is that the 7<sup>th</sup> and 8<sup>th</sup> respondent schools, where their children are pursuing their studies, are insisting for payment of additional fees, inter alia, to facilitate virtual class rooms in view of the Covid-19 Pandemic. It is disheartening to learn that a student allegedly took away her life due to lack of access to the internet for attending virtual classes.
2. Right to education is sacrosanct in the Constitution of India and is the mandate under the Right of Children to Free and Compulsory Education Act, 2009.
3. The petitioners contend that some States and Union Territories have formulated guidelines for the conduct of on-line classes and have ordered that students should not be denied education for want of payment of fees during this pandemic period.

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**W.P (C ) No.10867 of 2020**

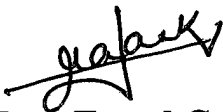
4. In view of the substantial public interest involved in this writ petition, in exercise of the powers of this Court under Section 3 of the Kerala High Court Act, 1958, I adjourn this case for being heard by a Bench of two Judges. Notwithstanding this reference, in view of the adverse situation prevalent in the country due to the Pandemic, I direct the respondents 6 and 7 not to levy any additional fee from the children of the petitioners until further orders. The petitioners are directed to forthwith file the physical copy of this writ petition. On such filing, the Registry shall place the file before the Hon'ble Chief Justice for orders.

Handover/Upload this interim order on the web-site of this Court.

ma/3.6.2020

**C.S.DIAS, JUDGE**

**W.P (C ) No.10867 of 2020**

  
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**HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE****Writ Petition No.8025/2020****Association of Unaided CBSE Schools v/s The State of Madhya Pradesh & Others****Indore, dated 15.06.2020**

ShriPiyushMathur, learned senior counsel along with ShriGauravChhabra, learned counsel for the petitioner.

ShriVivekDalal, learned Additional Advocate General for the respondents / State.

ShriAkhilGodha, learned counsel for the Central Board of Secondary Education / respondent No.4.

ShriVibhorKhandelwal and ShriSuhashPumellic, learned counsel for the interveners.

The petitioner before this Court, Association of Unaided Central Board of Secondary Education Schools, a Society registered under the Madhya Pradesh Society RegistrickaranAdhiniyam, has filed this present petition being aggrieved by the notifications dated 17.04.2020, 24.04.2020 and 16.05.2020.

The contention of learned senior counsel is that an order has been issued by the State Government dated 16th May, 2020 directing the schools affiliated to Central Board of Secondary Education to charge tuition fee only.

The order dated 16.05.2020 reads as under:

*“Madhya Pradesh government  
School Education Department  
Ministry VallabhBhavan, Bhopal – 462003.*

S.N./F-50-4/2020/20-3

Bhopal, Date 16 May 2020

To,

All District Collector  
All District Education Officers  
Madhya Pradesh.

**Sub :- Regarding the payment of fees of non-subsidized non-  
government schools by eyelids during the Lockdown period.**

**References : - Departmental number letter dated 24.04.2020**

*In the context of the present Lockdown, the instructions have been issued by the Central Board of Secondary Education(CBSE) in respect of the payment of the fees of non-aided government schools and the salaries of the teachers etc. of these schools, in the sequence of date 17.04.02020.*

*The above sequence is directed further Current academic session 2020 to 21, for the private schools only (Tuition Fee) can be charged by the private schools and no other fee will be charged in addition to this.*

*It is clarified here that all the instructions issued earlier by the departmental numbered letter dated 24.04.2020 will remain in force.*

**(K. K. Dwivedi)**  
**Deputy Secretary**  
**Madhya Pradesh, Governance,**  
**School Education Department"**

The aforesaid order refers to circular dated 17.04.2020 issued by the Central Board of Secondary Education, which is also on record and the same reveals that the Central Board of Secondary Education has permitted the State Government to examine the issue of lumpsum payment of school fees and teachers' salary sensitively and to issue suitable instruction on periodicity of payment of school fee and payment of salary to teaching and non-teaching staffs.

Learned senior counsel has vehemently argued before this Court that there is no Act in the State of Madhya Pradesh, which permits the State Government to fix the fees in respect of the school affiliated to Central Board of Secondary Education and the similar point has been decided by the Division Bench of this Court in *W.P. No.5975/2015*

*(Association of Unaided CBSE School Society v/s The State of Madhya Pradesh & Others)* on 10.04.2017. He has also stated that the Punjab and Haryana High Court has also interfered with the directions issued by the State Government and has permitted the parents to pay the fee in two equal installments in six months.

Learned senior counsel has also stated that the matter relating to payment of fee in respect of the State of Uttarakhand is also pending before the Supreme Court i.e. SLP No.6782/2020 and as the schools are having recurring expenses, they are charging tuition fee and fee under the head after excluding the unincurred expenses. He has clarified that unincurred expenses include petrol & diesel and the expenses, which are incurred in the mess, in case, they are residential schools, and therefore, care has been taken not to recover the unincurred expenses.

Learned senior counsel has also argued before this Court that the schools are required to pay full salary to the teachers and non-teaching staffs, and therefore, they are recovering fees and tuition fees excluding unincurred expenses.

Learned Additional Advocate General for the State of Madhya Pradesh has vehemently argued before this Court that the order has been passed under the Disaster Management Act and it gives wide power to the State of Madhya Pradesh to pass appropriate order and the same has been done. He has also stated that keeping in view the

pandemic COVID – 19, the State Government is justified in issuing the order directing recovery of tuition fee only.

Learned senior counsel has informed this Court that under Sections 18 and 19 of the Disaster Management Act, the State Disaster Management Authority can pass such an order whereas in the present case, the order has not been passed by the competent authority.

ShriAkhilGodha, learned counsel for the Central Board of Secondary Education has argued before this Court that they have already issued a circular and some of the High Courts have directed the schools to submit a representation and the respective State Government has been directed to decide their representation.

There is an application for intervention also filed by the Parents Association and arguments canvassed by the learned counsel for the intervenor have been heard.

This Court, after taking into account the arguments canvassed by learned counsel for the parties and keeping in view the earlier judgment passed by the Division Bench in Writ Petition No.5975 of 2015, is of the considered opinion that the impugned orders dated 24.04.2020 and 16.05.2020 deserve to be stayed and is accordingly, stayed.

It is made clear that the petitioner / Institution shall not be charging any sum towards unincurred expenses during the period of lockdown (till the schools are closed) such as transportation and mess.

Let a detailed reply be filed within four weeks by all the respondents, as all the respondents have been served.

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List the matter on 28<sup>th</sup> July, 2020.

It is needless to mention that in case, certified copy is not available due to some technical reason, the order uploaded on the website of the High Court shall be treated as certified copy for all purposes and the counsel shall be free to obtain certified copy later on as and when facilities are made available to him.



(S.C. SHARMA)  
JUDGE

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**STATE EDUCATION CENTER**

**PustakBhavan, B – Wing, Arera Hills, Bhopal – 462 011**  
**Telecom : (0755) 2768390, 91, 92, 94, 95 Fax : 2552363, 2760561**

SNo./Ni. SA /Commissioner/M.P.St.Sh.A.Pra.P/2020/25 Bhopal, Date 18 June 2020

**ORDER**

1. Presently due to situation created due to Covid-19 some schools are imparting education through online classes. In terms of Section 29 (1) of the Right of Children to Free and Compulsory Education Act, 2009 (1), in relation to the syllabus and evaluation process for elementary education in the State Government under Rule 18(1) of the Right to Free and Compulsory Child Education Rules, 2011, the State Education Research and Training Council, is notified as the educational authority by the Academic Council.
2. It is noteworthy that the many families/ Students in the state are facing problem of digital devices or data recharge which is being highlighted. By certain credible sources, it has also been brought to the notice that unregulated and long-term online classes are being conducted by some private schools. In view of the possible side effects due to online education and difficulties arising for their parents from online classes working through distance education especially Mobile/ Laptop/ Computer, in terms of the powers vested in Rule 18 (3) of the Right to Free and Compulsory Child Education Rules, 2011, with a view to improve the overall quality of education, Operation of online classes can be conducted for duration as mentioned below :-

SN	Class group	Timeline
1.	Pre-Primary	Perfection restricted



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2.	Primary (Class 1 to 5)	Perfection restricted
3.	Secondary (Class 6 to 8)	2 sessions per day, 30 to 45 minutes maximum per session.

3. Recording of online classes will also be made available to the students, so that the student and guardian can use it as per their convenience.
4. Guidelines prepared by NCERT "SAFE ONLINE LEARNING IN TIME OF COVID – 19" implementation of the same be ensured.

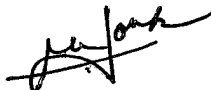
Ensure working procedures as per above instructions.

**(Lokesh Kumar Jatav)**  
**Commissioner**  
**State Education Center**

Copy to :-

1. Principal Secretary, Madhya Pradesh Governance, for further information of School Education Department.
2. Principal Secretary, Madhya Pradesh Governance, for further information of Tribal Development Department.
3. Commissioner, Directorate of Public Education Madhya Pradesh Bhopal.
4. Commissioner, Tribal Development Department Madhya Pradesh Bhopal
5. Divisional Commissioner, All Division Madhya Pradesh.
6. Collector District All, Madhya Pradesh.
7. Chief Executive Officer, District Panchayat District All Madhya Pradesh.
8. Division Joint Director Public Education Division All Madhya Pradesh.
9. District Education Officer Madhya Pradesh for further information and compliance.
10. Assistant Commissioner, Tribal Development Department Madhya Pradesh.
11. District Project Coordinator District All Madhya Pradesh.

**Commissioner**  
**State Education Center**



// True Translated Copy//

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**IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL WRIT JURISDICTION**

I.A no. \_\_\_\_\_ of 2020

**IN  
WRIT PETITION (C) No. \_\_\_\_\_ OF 2020**

**IN THE MATTER OF:**

Sushil Sharma & Ors.	VERSUS	...Petitioners
Union of India & Ors.		...Respondents

**APPLICATION SEEKING EX PARTE AD-INTERIM  
DIRECTIONS**

To,

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE PETITIONER ABOVENAMED:

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioners belonging to different states of the country have come together being constrained to approach this Hon'ble Court seeking inter alia the protection of fundamental right to life as well as education guaranteed under the Constitution of India, 1950 which the children of various Indian states are being deprived of due to supervening factors namely, the ongoing pandemic- COVID-19 period and sustained financially incapacitated parents to bear the brunt of the fees of the

children & students enrolled up to class XII even after being faced with constant financial and emotional hardships leaving a few of them with no option but to withdraw their children from seeking institutional/school education for an unforeseeable period of time.

2. That for the sake of brevity and to avoid multiplicity of papers, it is submitted that all the facts stated in the writ petition and all the contentions raised therein may be read as part of this application.
3. It is stated that in view of the extreme contagious spread of the novel Corona Virus in India, the Central Government had announced a country wide lockdown on 25.03.2020 which led to absolute halt in all the economic sectors. Accordingly, various citizens (including the Petitioners) were at the receiving end of such economic calamity. At this juncture, it is important to note that unlike various private schools, the students' parents are not engaged in more than one vocation at a time, meaning thereby that they are worst hit by the said lockdown.
4. That despite such financial crisis cited by the various parents as well as absolute non-functioning of any school and/or non-discharging of any service, no private aided/unaided school, (except a few small schools which has come to knowledge of the Petitioners through personal interactions, however the details of the same are not readily available) granted a waiver of the entire school fees for such lockdown period commencing April, 2020. In such a situation, the duty of the Respondents becomes paramount. However, the Respondent No.2 to 9 have absolutely failed to address the concerns of such parents, thereby failed to protect the vital right to life and education of the children's & students enrolled up to class XII of this country.

5. That due to such financial crisis and supervening circumstances, many parents are presently unable to pay the exorbitant fees charged by various private schools. It is to be noted that in today's day and age, admission process of a child in a school is very complex and highly competitive.
6. There is a grave apprehension that various enrolled students' names may be struck off from the school records/ the students may be expelled, on account of default in payment of the said school fees, which shall cause grave and irreparable loss to the students whose fundamental right to life and education shall be infringed.
7. Hence, expulsion/striking off of the students from the school's enrolment on account of any manner of default in payment of the school fee during the lockdown period commencing April, 2020 shall not only be fatal to the emotional and developmental state of such student but also, deprive such children of their vital right to life and education, which also finds its mention in Section 16 of the RTE Act. [*relied upon P.Sridhanya Vs. State of Karnataka, MANU/KA/4636/2019, Society for unaided private schools of Rajasthan Vs. Union of India, (2012) 6 SCC 1, Jayashree Vijay Mundaware Vs. The Principal/Head Mistress of Ashoka Universal School Chandsi/Wadala, 2015 (6) MhLJ 792 etc.*]
8. That for there is a strong likelihood of the writ being allowed and relief sought for being granted to the Petitioner.
9. That the Petitioner has a very strong prima facie case in its favour and it is likely to succeed in the same. Balance of convenience also lies in favour of the Petitioner and against the Respondents.

10. That it is stated that if the present application is allowed, no prejudice would be caused to the Respondents, however if the same is not allowed grave prejudice to the Petitioners shall be caused by way of likelihood of their enrolled students' name being struck off from the respective school records, leading to the students being deprived of their fundamental right to life and education.

**PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to: -

- a) Pass ex-parte ad interim direction/order directing the Respondent No.2-9 to direct all the aided/unaided private schools not to conduct any offline/physical classes till the Vaccine or absolute medical cure for the Covid-19 disease is available or it is declared medically non fatal for the children & students,
- b) Pass ex-parte ad interim direction/order directing the Respondent No.2-9 to further direct all the aided/unaided private schools to not expel/strike off the enrolled students from the respective school records on account of default in payment of school fee and/or any other reason whatsoever, during the pendency of the present writ petition; and
- c) Pass ex-parte ad interim direction/order directing the Respondent No.1-9 and/or all the States of India to formulate the mandatory guidelines for safety of the students for the conduct of the online education and till the formulation of the same not to conduct online classes.
- d) Pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

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**AND FOR THISACT OF KINDNESS THE PETITIONER  
REMAINS DUTY BOUND AND SHALL EVER PRAY.**

DRAWN & FILED BY



**MAYANK KSHIRSAGAR  
ADVOCATE FOR THE PETITIONERS**

Drawn on: 18/06/2020

Filed on: 23 /06/2020

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IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL WRIT JURISDICTION

I.A No. \_\_\_\_\_ of 2020

IN

WRIT PETITION (C) No. \_\_\_\_\_ OF 2020

**IN THE MATTER OF:**

Sushil Sharma & Ors.

...Petitioners

VERSUS

Union of India & Ors.

...Respondents

AN APPLICATION FOR EXEMPTION  
FROM FILING OFFICIAL TRANSLATION OF  
ANNEXURE P-13 TO P-15 & P27

To

The Hon'ble Chief Justice of India and his Companion Justices of the  
Hon'ble Supreme Court of India.

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioners belonging to different states of the country have come together being constrained to approach this Hon'ble Court seeking inter alia the protection of fundamental right to life as well as education guaranteed under the Constitution of India, 1950 which the children & students enrolled up to class XII of various Indian states are being deprived of due to supervening factors namely, the ongoing pandemic-COVID-19 period and sustained financially incapacitated parents to bear the brunt of the fees of the children & students enrolled up to class XII, even after being faced with constant financial and emotional hardships leaving a few of them with no option but to withdraw their children from

seeking institutional/school education for an unforeseeable period of time.

2. The averments made in the writ petition, may be treated as part and parcel of this Application for the sake of brevity and clarity.

3. That the Annexure P-13 (copy of the circular dated 23.04.2020 issued by the Directorate Secondary Education, State Government of Haryana, Annexure P-14 (copy of the circular dated 24.04.2020 issued by the State Government of Madhya Pradesh), Annexure P-15 (Translated copy of the circular dated 08.05.2020 in Marathi issued by the State Government of Maharashtra is annexed herewith and marked as Annexure P-15), Annexure-P27 were in Hindi and Marathi, respectively and the same has been translated in English by a person whose mother tongue is Hindi and Marathi and well conversant with English.

4. It is under the aforesaid circumstances the petitioners are seeking exemption from filing official translations of Annexure P-13 to P-15.

5. It is submitted that irreparable injury and hardship would be caused to the Petitioners in the event this application is not allowed and on the other hand no such prejudice would be caused to the Respondent.

#### **PRAYER**

In the circumstances herein above, it is therefore, most respectfully and humbly prayed that this Hon'ble Court may graciously be pleased to:

(a) Exempt the Petitioners from filing the official translations of the **Annexure P-13 to Annexure P-15.**



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(b) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

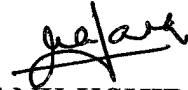
**AND FOR THIS ACT OF KINDNESS YOUR HUMBLE  
PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.**

DRAFTED ON:18.06.2020

FILED ON: 23.06.2020

PLACE: NEW DELHI

DRAWN & FILED BY:



MAYANK KSHIRSAGAR

Advocate for the Petitioners

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IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL WRIT JURISDICTION

I.A no. \_\_\_\_\_ of 2020

IN

WRIT PETITION (C) No. \_\_\_\_\_ OF 2020

**IN THE MATTER OF:**

Sushil Sharma & Ors.

...Petitioners

VERSUS

Union of India & Ors.

...Respondents

**APPLICATION ON BEHALF OF THE  
PETITIONERS SEEKING EXEMPTION FROM  
FILING NOTARIZED AFFIDAVITS**

TO

HON'BLE THE CHIEF JUSTICE OF  
INDIA AND HIS COMPANION JUDGES OF THE  
HON'BLE SUPREME COURT OF INDIA,  
NEW DELHI.

A HUMBLE PETITION OF THE  
PETITIONERS ABOVE NAMED

1. The Petitioners belonging to different states of the country have come together being constrained to approach this Hon'ble Court seeking inter alia the protection of fundamental right to life as well as education guaranteed under the Constitution of India, 1950 which the children & students enrolled up to class XII of various Indian states are being deprived of due to supervening factors namely, the ongoing pandemic- COVID-19 period and sustained financially incapacitated parents to bear the brunt of the fees of the children & students enrolled up to class XII, even after being faced with constant financial and

emotional hardships leaving a few of them with no option but to withdraw their children from seeking institutional/school education for an unforeseeable period of time.

2. That the Petitioners are unable to file notarized affidavit due to the prevailing circumstances and paucity of time considering the urgent nature of the present petition.
3. The Petitioner therefore prays exemption from notarized affidavits and undertakes to file the same as and when circumstances improve or when it is so called upon for by this Court.

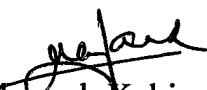
### PRAYER

In view of foregoing, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

- (a) Grant exemption from filing notarized affidavit;
- (b) Grant such other and / or further orders / reliefs as may be deemed fit, expedient and / or appropriate in the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:

  
Mayank Kshirsagar  
Advocate for the Petitioner

Drawn on: 18.06.2020  
Filed on: 23.06.2020

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (C) No.                      OF 2020**

**IN THE MATTER OF:**

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

Union of India and Ors.

...Respondents

**VAKALATNAMA**

I Sushil Sharma S/O Late Sh. Hari Kishan Sharma, Address: 8/349, Malviya Nagar, Jaipur, petitioner no.1 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.

Dated this the 18 Day of June, 2020

Accepted & IDENTIFY

*Mayank*  
**Mayank Kshirsagar**  
 Advocate-on-Record  
 B-97, (Basement), Gulmohar Park,  
 New Delhi-110049  
 Code No.: 2780, Mob:-9899967801  
 E-mail:mayank104@gmail.com

*Sushil Sharma*  
 \_\_\_\_\_  
 Petitioner No.1

**MEMO OF APPEARANCE**

To  
 The Registrar  
 Supreme Court of India  
 NEW DELHI

Sir,

Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

*Mayank*  
 \_\_\_\_\_  
**MAYANK KSHIRSAGAR**  
 Advocate on Record

DATED: 18/6/2020

166

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

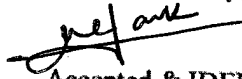
Versus

Union of India and Ors.

...Respondents

VAKALATNAMA

I, Dr. Gagan Bihari Rout S/O Late Nidhi Rout, Address: Plot No.484, Nayapalli, petitioner no.2 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.  
Dated this the 18 Day of June, 2020



Accepted & IDENTIFY

Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com



Petitioner No.2


MEMO OF APPEARANCE

To  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

DATED: 18/6/2020

  
MAYANK KSHIRSAGAR  
Advocate on Record

167

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:


Mr. Sushil Sharma and Ors. ...Petitioners  
Versus

Union of India and Ors. ...Respondents

VAKALATNAMA

I, Varun Khanna S/O Naresh Khanna, Address: 272, Green Field, Majitha Road, Amritsar-143001, petitioner no.3 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.  
Dated this the 18 Day of June, 2020

  
Accepted & IDENTIFY

  
Petitioner No.3

Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob: 9899967801  
E-mail: mayank104@delhi-registrar

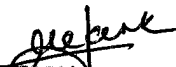
MEMO OF APPERANCE

Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

DATED: 18/6/20

  
MAYANK KSHIRSAGAR  
Advocate on Record

168

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

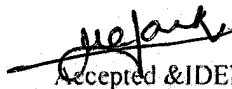
Union of India and Ors.

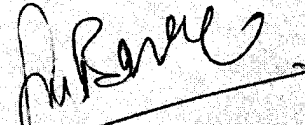
...Respondents

VAKALATNAMA

I, Gaurav Barot S/O Manilal Barot, Address: W-208, Venus Parkland, Vejalpur, Ahmedabad - 380051, Gujarat, petitioner no.4 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.

Dated this the 17 Day of June, 2020

  
Accepted & IDENTIFY

  
Petitioner No.4

Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049

Code No.: 2780, Mob:-9899967801  
E-mail: mayank104@gmail.com

MEMO OF APPEARANCE

To  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

  
MAYANK KSHIRSAGAR  
Advocate on Record

DATED: 17/6/2020

169

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

Union of India and Ors.

...Respondents

**VAKALATNAMA**

I, Kailash Chand S/O Mr. Rohtas Singh, Address: 109-A, Vikas Nagar, Gali No 6, Budhpur Road, Rewari, Haryana, 123401, petitioner no.5 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.

Dated this the 17 Day of June, 2020



Accepted & IDENTIFY

Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049

Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com

To  
The Registrar  
Supreme Court of India  
NEW DELHI

**MEMO OF APPERANCE**

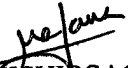


Petitioner No.5

Sir,

Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

  
MAYANK KSHIRSAGAR  
Advocate on Record

DATED: 18/6/2020



170

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

Union of India and Ors.

...Respondents


VAKALATNAMA

I, Arif Khan S/O Late. Mr. Ashraf Khan, Address: R/O RenbowVihar, Tapovan Road, Near Jagdamba Gas Agency, Nalapani Chowk, Sahasthrdharma Road, Adhoiwala Dehradun -248008, petitioner no.6 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.

Dated this the 17 Day of June, 2020



Petitioner No.6

  
Accepted & IDENTIFY  
Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com

MEMO OF APPEARANCE

To  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

  
MAYANK KSHIRSAGAR  
Advocate on Record

DATED: 18/6/2020

171

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No.                      OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

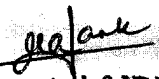
Union of India and Ors.

...Respondents

**VAKALATNAMA**

I Attul Raheja S/O Late Sh. Ram Prakash Raheja, Address: 14/150 Geeta Colony, Delhi-110031 petitioner no.7 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.

Dated this the 18 Day of June, 2020

  
Accepted & IDENTIFY

Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com

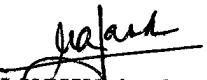
  
Petitioner No.7

**MEMO OF APPERANCE**

To  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

  
MAYANK KSHIRSAGAR  
Advocate on Record

DATED: 18/6/2020

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors. ...Petitioners  
Versus

Union of India and Ors. ...Respondents

VAKALATNAMA

I PRASAD BABAJI TULASKAR, Address-20, Parshuram Building, Behind CKP Hall, Ram Maruti Road, Dadar (W), Mumbai, Maharashtra - 400028., petitioner no.8 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.  
Dated this the 18 Day of June, 2020

Accepted & IDENTIFY  
Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com

Petitioner No.8

MEMO OF APPEARANCE

To  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

MAYANK KSHIRSAGAR  
Advocate on Record

DATED: 18/6/2020

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

Union of India and Ors.

...Respondents

VAKALATNAMA

I Rajesh Madhukarrao Badanakhe , Address- Flat No.12 Shrilekha Apartment, Shriram chowk Indira Nagar, Nashik, Maharashtra -422009, petitioner no.9 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.  
Dated this the Day of June, 2020

*Accepted*  
Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com

*Accepted*  
Petitioner No.9

MEMO OF APPERANCE

To  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,  
Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

*MK*  
MAYANK KSHIRSAGAR  
Advocate on Record

DATED: 18/6/2020

174

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:

Mr. Sushil Sharma and Ors.

...Petitioners

Versus

Union of India and Ors.

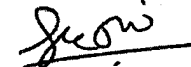
...Respondents

VAKALATNAMA

I Sanjay Keshav Joshi , Address: Flat No.10, Rakhi Co Op Society, Plot No.31, Rambaug Colony, Paud Road, Kothrud, Pune 411038, Maharashtra, petitioner no.10 in the above suit/petition/appeal, do hereby appoint and retain :Mayank Kshirsagar, Advocate on Record, Add: B-97, Basement, Gulmohar Park, New Delhi-49, Advocate for the aforesaid Petitioner to act and appear in the abovesaid petition//Appeals and on behalf of the abovesaid petitioner/appellant /Respondents to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including proceedings in taxation and application for review, to file and obtain return of documents and to deposit and receive money on behalf of the said petitioners /Appellants/ Respondents in the said Petition/Appeal and in application for review and to represent him to take all necessary steps on behalf of the said Petitioners/ Appellants/Respondents in the above matter.

Dated this the 06 Day of June, 2020



  
(Sanjay Joshi)

Petitioner No.10

Accepted & IDENTIFY  
Mayank Kshirsagar  
Advocate-on-Record  
B-97, (Basement), Gulmohar Park,  
New Delhi-110049  
Code No.: 2780, Mob:-9899967801  
E-mail:mayank104@gmail.com

MEMO OF APPERANCE

TO  
The Registrar  
Supreme Court of India  
NEW DELHI

Sir,

Please enter my appearance for the Petitioner / Respondents in the above mentioned petition.

Yours faithfully

DATED: 17/6/2020

  
MAYANK KSHIRSAGAR  
Advocate on Record

175

IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL WRIT JURISDICTION  
(ORDER XXXVII, S.C.R, 2013)

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA  
WRIT PETITION (CIVIL) No. OF 2020

MEMO OF PARTIES

BETWEEN :

1. Mr. Sushil Sharma  
Aged About :55 years  
S/o Late Sh. Hari Kishan Sharma,  
Address: 8/349, Malviya Nagar,  
Jaipur-302017 (Rajasthan) ... Petitioner No.1
  
2. Dr. Gagan B Rout  
S/o Late Nidhi Rout,  
Aged : 65 years  
Address: Plot No.484,  
Nayapalli-751012 (Odisha) ... Petitioner No.2
  
3. Varun Khanna  
S/O Naresh Khanna,  
Aged : 37 years  
Address: 272, Green Field, Majitha Road,  
Amritsar-143001 (Punjab) ... Petitioner No.3
  
4. Gaurav Barot  
S/O Manilal Barot,  
Aged 43 years  
Address: W-208, Venus Parkland,  
Vejalpur, Ahmedabad – 380051 (Gujarat) ... Petitioner No.4

5. Kailash Chand  
S/O Mr. Rohtas Singh,  
Aged 41 years  
Address: 109-A, Vikas Nagar,  
Gali No 6, Budhpur Road,  
Rewari- 123401 (Haryana) ... Petitioner No.5
6. Arif Khan  
S/O Late. Mr. Ashraf Khan,  
Aged 40 years  
Address: RenbowVihar, Tapovan Road,  
Near Jagdamba Gas Agency, Nalapani Chowk,  
Sahastrdhara Road, Adhoiwala,  
Dehradun -248008 (Uttarakhand) ... Petitioner No.6
7. Attul Raheja  
S/O Late Sh. Ram Prakash Raheja,  
Aged 39 years  
Address: 14/150 Geeta Colony,  
Delhi-110031 ...Petitioner No.7
8. Mr. Prasad Tulaskar  
S/O Mr. Babaji Tulaskar  
Aged 51 years  
Address-20, Parshuram Building,  
Behind CKP Hall,  
Ram Maruti Road, Dadar (W),  
Mumbai, Maharashtra - 400028 ... Petitioner No.8

9. Rajesh Madhukarrao Badanakhe

177

S/o Mudhukarrao Badanakhe

Aged 48 years

Address- Flat No.12 Shrilekha Apartment,

Shriram chowk Indira Nagar,

Nashik, Maharashtra -422009

...Petitioner No.9

10. Sanjay Keshav Joshi

S/o Keshav Joshi

Aged 48 years

Address: Flat No.10, Rakhi Co Op Society,

Plot No.31, Rambaug Colony,

Paud Road, Kothrud,

Pune-411038, Maharashtra

...Petitioner No.10

Versus

1. Union of India

Through Secretary,

Ministry of Human Resource Development

Having its address at:

1, West Block, Rama Krishna Puram,

New Delhi-110066

...Respondent No.1

2. State of Rajasthan

Through Director of Education,

Directorate of Education,

Lalgarh Palace,

Bikaner-334001 (Rajasthan)

...Respondent No.2

3. State of Odisha



178

Through Principal Secretary,  
Department of School & Mass Education  
Keshari Nagar,  
Bhubaneswar- 751001 (Odisha)

...Respondent No.3

4. State of Gujarat

Through Principal Secretary,  
Education Department  
Block No. 5, 8th Floor, Sachivalaya,  
Gandhinagar-382010 (Gujarat)

...Respondent No.4

5. State of Punjab

Through Secretary,  
Department of School Education  
Vidya Bhawan (Punjab School Education Board)  
Block E , 5th Floor, Phase-VIII  
SAS Nagar, Mohali-160062 (Punjab)

...Respondent No.5

6. New Capital Territory of Delhi

Through Director of Education,  
Delhi Directorate of Education  
Room No.12 Old Secretariat,  
Near Vidhan Sabha Metro Station,  
Civil Lines, Delhi 110054

...Respondent No.6

7. State of Maharashtra

Through Additional Chief Secretary  
School Education and Sports Department  
Mantralaya, Churchgate,

Mumbai- 400020 (Maharashtra)

...Respondent No.7

179

8. State of Uttarakhand

Through Director General of School Education,

Department of School Education

Tapovan Enclave, Tarla Amwala,

Dehradun- 248001 (Uttarakhand)

... Respondent No.8

9. State of Madhya Pradesh

Through Chief Secretary,

Department of School Education

Mantralaya Vallabh Bhawan,

Bhopal-462004 (Madhya Pradesh)

..Respondent No.9

10. National Independent Schools Alliance

Through Secretary,

G-43, Second Floor,

Green Park - Main Market,

New Delhi – 110016

..Respondent No.10

11. Action Committee of Unaided Recognised Private School

Through General Secretary,


C/0 Bal Bharati Public School,

Pitampura, Delhi- 110 034

...Respondent No.11

New Delhi

Dated: 23.06.2020

  
(Mayank Kshirsagar)

ADVOCATE ON RECORD