

17.12.2021
KC(1-28)

W.P.A.(P) 162 of 2021
Rajib Chakraborty and Ors.
-versus-
The State of West Bengal and Ors.
With
CAN 1 of 2021
With
CPAN 746 of 2021
With
CPAN 151 of 2021
With
CPAN 178 of 2021
With
CPAN 401 of 2021
with
CPAN 402 of 2021
With
CPAN 403 of 2021
With
CPAN 410 of 2021
With
CPAN 411 of 2021
With
CPAN 412 of 2021
With
CPAN 413 of 2021
With
CPAN 414 of 2021
with
CPAN 469 of 2021
With
CPAN 473 of 2021
With
CPAN 562 of 2021
With
CPAN 563 of 2021
With
CPAN 569 of 2021
With
CPAN 574 of 2021
With
CPAN 599 of 2020
With
CPAN 642 of 2021
With
CPAN 645 of 2021
With
CPAN 685 of 2021
With
CPAN 692 of 2021
With
CPAN 723 of 2020

With
 CAN 1 of 2021
 With
 CAN 2 of 2021
 With
 CAN 3 of 2021
 With
 CPAN 755 of 2020
 With
 WPA 5378 of 2020
 Pratyush Patwari
 -versus-
 State of West Bengal and Anr.
 With
 CAN 2 of 2020 (Old CAN No. 3697 of 2020)
 With
 CAN 3 of 2020 (Old CAN No. 3698 of 2020)
 With
 WPA 5400 of 2020
 Raja Satyajit Banerjee
 -versus-
 State of West Bengal and Ors.
 With
 WPA 5530 of 2020
 Biplab Kr. Chowdhury
 VS
 Union of India & Ors.
 With
 CAN 1 of 2020(Old No:CAN 3252 of 2020)
 With
 WPA 5872 of 2020
 Santosh Kumar Yadav
 VS
 Union Of India & Ors
 With
 CAN 1 of 2020(Old No:CAN 3956 of 2020)
 With
 CPAN 131 of 2021
 With
 CAN 1 of 2021
 With
 WPA 5890 of 2020
 Vineet Ruia
 VS
 Principal secretary,
 Department of School,
 Bikash Bhavan & Ors.
 With
 CAN 17 of 2020
 With
 CAN 32 of 2020
 With
 CAN 33 of 2021

(Via Video Conference)

Mr. J. Sai Deepak,
 Ms. Priyanka Agarwal,
 Mr. Rishab Kumar Singh,
 Mr. Anurag Mitra,
 Mr. Tanvi Luhariwala.....For the petitioners in
 W.P.A.5890 of 2020 and
 CPAN 723 of 2020.

Mr. Pratyush Patwari..... Petitioner (in person) in
 W.P.A. 5378 of 2020.

Mr. Y.J. Dastoor,
 Mr. Siddhartha Lahiri.....For Union of India.

Mr. Sayan Sinha.....For the State.

Mr. U.S. Menon,
 Mr. Abhirup Chakraborty.....For C.B.S.E. Board.

Mr. Durgadas Banerjee,
 Mr. S.P. Tewary,
 Mr. Partha Banerjee,
 Mr. Abhijit Tewari,
 Ms. Paramita Banerjee.....For Disari Public School.

Mr. Abhrajit Mitra,
 Mr. Kunal Chatterjee
 Mr. Nikunj Berlia,
 Mr. Shoumendu Mukherjee,
 Ms. Anshu Jain.....For the Association of ICSE
 Schools, West Bengal Chapter.

Ms. Koyeli Bhattacharyya.....For the West Bengal
 Board of Secondary Education.

Mr. Samapriya Chowdhury,
 Mr. Deepan Kumar Sarkar,
 Mr. Dinabandhu Dan,
 Mr. Santanu chatterjee,
 Mr. Dipayan Dan.....For Delhi Public School,
 Ruby Park.

Mr. Sabyasachi Chowdhury,
 Mr. Rajarshi Dutta,
 Mr. V.V.V. Sastry,
 Mr. Nischay Mall,
 Ms. Shivika Tiwari,
 Mr. Debajyoti Saha.....For Ashok Hall Group of
 Schools and Ballygunge
 Siksha Sadan.

Mr. Nabankur Pal,
 Md. Apzal Ansari,

- Ms. Surabhi Gularia..... For Delhi Public School,
Siliguri.
- Ms. Surabhi Gularia,
Mr. Arkadipta Sengupta,
Mr. Subhajit Das..... For Delhi Public School,
Kanyapur, St. Judges School and
Burnpur Riverside School.
- Mr. Abdur Raquib..... For Delhi Public School,
Joka.
- Mr. Vipul Kundalia,
Mr. Kushagra Shah..... For Delhi Public School,
New Town.
- Mr. Partha Sarathi Bhattacharya,
Mr. Raju Bhattacharya.....For the Principal,
St. Joseph College.
- Ms. Amrita Pandey,
Ms. Anamika Pandey.....For the Assembly of
God Church School.
- Ms. Kabita Mukherjee,
Mr. Manas Dasgupta.....For Agrasain Balika Siksha
Sadan and Boys' School.
- Mr. Satarup Bhattacharya,
Mr. Saptarshi Dutta.....For South City International
School.
- Mr. Ananda Basu,
Mr. Emon Bhattacharya,
Ms. Pooja Shah.....For St. Hellen School,
Howrah.
- Mr. Pinaki Dhole.....For Hariyana Vidya Mandir.
- Mr. Ayan Chakraborty.....For Adamas International
School.
- Mr. Tanvi Luhariwala.....For Adamas School Parents'
Forum.
- Mr. Arnab Chakraborty.....For Well and Gold Smith
School.
- Mr. Sandip Kumar Dey,
Mr. Abhijit Sarkar.....For Calcutta Girls' High
School.
- Mr. Arindam Banerjee,
Mr. Deepan Kumar Sarkar,
Mr. Sourav Bhagat,
Ms. Shruti Swaika,
Ms. Prajata Kishore Chakraborty.....For South Point
School, South Point High School,
Birla High School and
Sri Sikshayatan School.
- Mr. Arijit Bardhan,
Mr. Soumyajit Mishra.....For Don Bosco School,
Park Circus.

Ms. Chama Mookerji,
 Mr. Anujit Mookerji,
 Ms. Rinky Shaw.....For Calcutta Boys School,
 Julien Day School.

Mr. Partha Banerjee,
 Mr. Arun Kumar Mandal.....For Heritage School.

Ms. Ameena Kabir.....For Frank Anthony Public
 School.

Mr. Arun Alo Roy,
 Mr. Swagato Roy.....For Mahadevi Birla World
 Academy and Birla Bharati.

Mr. Gopal Sankaranarayanan,
 Mr. Paritosh Sinha,
 Mr. Sankalp Narain,
 Mr. Rohit Amit Sthalekar,
 Mr. H.P. Sahi,
 Mr. B.P. Tiwari,
 Mr. Amitava Mitra,
 Ms. Shrayashee Das,
 Mr. Jishnujit Roy,
 Ms. Antara Chowdhury.....For La Martiniere and
 C.N.I. Group of Schools.

Mr. Ashoke Kumar Roy,
 Mr. Ashim Kumar Roy.....For Bharitiya Vidya
 Bhavan, Kolkata.

Ms. Lopita Banerjee,
 Ms. Arijita Ghosh,
 Mr. Souma Sil,
 Mr. Lordly Guha.....For New Town School.

Mr. Sanjay Kumar Baid,
 Ms. Nupur Jalan.....For Don Bosco, Liluah,
 Holy Family Convent, P.B. Academy,
 SreeJain Vidya Mandir, Well and
 Gould Smith School, Kolkata, Patuli,
 St. Aloysius Orphanage and Day School,
 St. Mary's Convent School, Santragachi.

Mr. Raj Mohan Chatteraj,
 Mr. Sankar Prasad Dalapati,
 Mr. Sourav Mondal.....For Swabhumi
 Foundation, G.D. Goenka
 Public School, Indira Gandhi
 Memorial High School,
 Dum Dum and Barasat.

Mr. Meghajit Mukherjee.....For Sri Sri Academy.

Mr. Sandip Kumar De,

- Mr. Abhijit Sarkar,
Mr. Abhik Chitta Kundu.....For Calcutta Girls' High
School.
- Mr. Santosh Kumar Ray,
Ms. Rituparna Sanyal.....For Srihari Global
School, Asansol.
- Mr. Sarajit Sen,
Mr. Tapas Singha Roy.....For Delhi Public School,
Asansol.
- Mr. Aniruddha Mitra,
Mr. Ayan Chakraborty.....For Adamas World School.
- Mr. Subir Pal..... For St. Paul's Academy.
- Mr. Ratnanko Banerjee,
Mr. Somopriyo Chowdhury,
Mr. Dinabandhu Dan,
Mr. Deepan Kumar Sarkar,
Mr. Sanatan Chatterjee,
Mr. Dipayan Dan.....For the D.P.S. Ruby Park.
- Mr. Joydeep Kar,
Mr. Billwadal Bhattacharya,
Mr. Anish Kumar Mukherjee,
Mr. Amrit Sinha.....For the respondent.
- Mr. Apurba Kumar Ghosh.....For Rose Bird School.
- Dr. Indrajit Kundu.....For the petitioners in
CPAN 562,563, 569, 574,
642, 151 and 178 of 2021.
- Mr. Rahul Karmakar,
Mr. Debabrata Roy.....For Arun Nursery and
Future Foundation.
- Mr. Asif Sohail Tarafdar.....For Indus Valley and B.D.
Memorial School.
- Mr. Subir Banerjee,
Ms. Shreyosi Sengupta,
Ms. Mumpy Singha.....For the applicant in
CPAN 685 of 2021.
- Mr. Shomendu Mukherjee.....For Indus Valley, BDM
International and Apeejay School.
- Mr. Varun Kedia.....For the applicant in
CPAN 642 of 2021.
- Mr. Nikunj Belia,
Mr. Shomendu Mukherjee.....For Lakshmiapat Singhania
Academy.

Mr. Raja Satyajit Banerjee,
Ms. Anwasha Haldeer,
Ms. Krishnika Chatterjee.....For the petitioner in
W.P.A. 5400 of 2020.

Re: W.P.A. 5400 of 2020.

On the submission made by learned counsel for the petitioner in W.P.A. 5400 of 2020 (Raja Satyajit Banerjee -vs- State of West Bengal and Ors.) that the writ application is not public interest litigation, the matter is released from our list.

Advocate on record for the petitioner will take appropriate action in the matter.

Re: W.P.A.(P) 162 of 2021 and other applications.

With the Covid-19 pandemic showing signs of abatement and with the resumption of substantial normal activities in the new-normal period, the time has come, to assess how our order dated 13th October, 2020, as modified from time to time, should be further adapted to suit the changed conditions.

After hearing learned counsel for the parties, we accordingly direct as follows:

(a) 15th March, 2022 is fixed as the cut-off date till when the present arrangement for the students to pay 80% fees for essential service rendered by the schools/educational institutions, as directed by the order dated 13th October, 2020, shall continue.

(b) From 15th March, 2022, the schools/ educational institutions covered by this litigation shall re-admit all the existing students in their rolls, except those who are expected to leave the school by taking a board examination, specifying the type of instruction to be imparted – online, offline or hybrid.

(c) Before re-admitting the students the school shall send to his or her parents or guardians an estimate of fees and additional charges for compulsory facilities to be provided and service to be rendered, by 15th February, 2022. Optional facilities shall also be indicated together with an indication of the charges therefor.

(d) A student shall be allowed to resume classes after 15th March, 2022 only if the fees and charges specified by the school are paid.

(e) Considering the controversy created regarding non-payment of fees, from now on fees and charges shall be paid in advance for each month.

(f) In furnishing its estimate for fees and other charges, the school shall specifically indicate the mode of instruction, i.e. on-line or off-line for which those fees and charges are demanded.

(g) It is made clear that those students who intend to take the board examination must deposit with the school by the due date fixed by each school the registration fee required by the board. If such

registration fee is not paid, the school shall have no obligation to send up the name of the student for the board examination.

(h) All other directions contained in our earlier orders, shall continue till 15th March, 2022.

(i) All allegations pertaining to non-compliance of our earlier orders and other related issues shall be dealt with by this court on the adjourned date.

List all these applications for further consideration on 14th January, 2022 at 2.00 P.M.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)