

03.12.2021  
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 131 of 2021  
With  
CAN 1 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 2021  
With  
CPAN 642 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  
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.....For the petitioners in  
 W.P.A.(P) 162 of 2021.

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..... For Delhi Public School,  
 Durgapur and DAV Group of Schools.

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. Sankalp Narain,  
Mr. Paritosh Sinha,  
Mr. B.P. Tiwari,  
Mr. Amitava Mitra,  
Mr. Jishnujit Roy,  
Ms. Anara Chowdhury  
Ms. Sayani Bhattacharya.....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. Indrajit Kundu.....For the petitioners in  
 CPAN 562, 563, 569,574,  
 642,151 and 178 of 2021.

Mr. Apurba Kumar Ghosh.....For Rose Bird School.

Dr. Indrahjit 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. Paritosh Sinha,  
 Mr. B.P. Tiwari,  
 Mr. Amitava Mitra,  
 Ms. Antara Chowdhury,  
 Mr. Sishnujit Roy.....For La Martinier and CNI  
 Group of Schools.

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.

Further to our earlier order affidavits on behalf of  
 a large number of schools detailing the default and the

amount due in payment of school fees are filed before us and taken on record.

We are informed by learned counsel that a special leave petition against our order dated 1<sup>st</sup> October, 2021 has been filed before the Supreme Court and is awaiting consideration.

Dr. Indrajit Kundu, learned advocate representing a group of schools submits before us that on the pretext of alleged default in the payment of school fees, students are not being allowed to avail of online classes and their admit cards to appear in the board examination is being withheld.

We only observe that by our earlier orders, which are still continuing, we had directed that pending resolution of the various contentions raised before us, the students should not suffer and that online classes should be continued to be provided to them, no student should be expelled on the ground of non-payment of fees and that admit cards and results should not be withheld on those grounds. We reiterate those directions subject to any order that may be passed by the Supreme Court.

We are disturbed to read the supplementary affidavit affirmed on behalf of Adamas International School in December, 2021, inter alia, to the effect that first information reports are being generated by the police and action threatened on complaints made

concerning non-payment of school fees, expulsion of students etc. and a recommendation has been made by the West Bengal Commission for Protection of Child Rights on 2<sup>nd</sup> December, 2021 on more or less the self-same complaints.

We observe and direct that when complaints are received by any authority touching the subject matter of this litigation, any contemplated action should and can only be taken with the leave of this court.

On the prayer of Mr. Sabyasachi Chowdhury, learned advocate appearing for the Birla group of schools, we observe that schools which have started physical classes may proceed with it on such terms and conditions as the school may set subject to consideration of the issue on the returnable day of these applications.

As the matter is awaiting consideration before the highest court, we adjourn the applications before us till 17<sup>th</sup> December, 2021 when it is to be listed at 2.00 P.M., without deliberating on any other matter.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)



