

Court No. - 3

Case :- WRIT - C No. - 358 of 2022

Petitioner :- Association Of Private Schools Of Up Through Its President Atul Kumar And Another

Respondent :- State Of U.P. Through Principal Secy. Secondary Education Civil Secy., Lko And Others

Counsel for Petitioner :- Manish Vaish

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Narendra Kumar Johari,J.

Limiting the challenge and submissions only to the extent of validity of Government Order dated 7th January, 2022, Sri Vinay Naware, learned senior counsel assisted by Sri R.P. Gupta and Sri Manish Vaish, learned counsel for the petitioners has submitted that the State Government with the issuance of Government Order dated 11th February, 2022 has itself provided a justification for reconsideration of the Government Order dated 7th January, 2022 impugned herein this writ petition.

The impugned Government Order dated 7th January, 2022 amply shows that it was the apprehension of the surge of Covid-19 that the State Government looking to the closure of normal business establishments/educational and other economic activities had issued the Government Order under challenge. The restrictions have now been relaxed with the issuance of Government Order dated 11th February, 2022 filed alongwith the rejoinder affidavit. This clearly implies that the normal life is restored with all duties and obligations.

According to learned counsel for the petitioners, the proposal of new/enhanced fee structure is to be uploaded two months prior to the start of new academic session, meaning thereby that the

same has to be done on or before 1st April 2022. It is in the light of Government Order dated 11.02.2022 that a prayer has been made before this Court that the State Government may reconsider its decision whereby a blanket ban is imposed against the enhancement of fee contrary to the mechanism provided under the statute. Further submission made by learned counsel for the petitioner is to the effect that the reasons spelt out in the impugned Government Order dated 07.01.2022 are based on an apprehension which stand ruled out with the issuance of subsequent Government Order dated 11th February, 2022, hence the very foundation of the earlier Government Order stands nullified, therefore, the matter requires reconsideration. The argument put forth by the learned counsel for the petitioner, does have force.

Sri H.P. Srivastava, learned Additional Chief Standing Counsel, at this stage prays that he may be allowed some time to obtain instructions on this specific aspects of the matter.

It is also to be noted that the State Government ought not to remain oblivious of the fact that the academic session is to start on 1st April, 2022, before which date, the schedule of fee structure has to be uploaded by the members of the petitioners' association in terms of the statute. The objections, if any, by the association of parents have also to be considered in the mechanism prescribed.

We expect the State to reconsider the matter in the light of Government Order dated 11.02.2022, as observed above.

List/put up on 28.02.2022.

Order Date :- 16.2.2022

Reena/-