

01.10.2021
KC(1-29)

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 401 of 2021
with
CPAN 402 of 2021
With
CPAN 403 of 2021
with
CPAN 469 of 2021
With
CPAN 473 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 2021
 Vineet Ruia
 -versus-
 Principal Secretary, Department of
 School Education and Ors.
 With
 CAN 1 of 2021
 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 2020

With
 CPAN 151 of 2021
 With
 CPAN 178 of 2021
 with
 CPAN 410 of 2021
 With
 CPAN 411 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. S.N. Mookerjee,
 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.

Mr. 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.

Let all the affidavits prepared by the school
authorities further to our order dated 10th September,
2021 be taken on record.

It appears from these affidavits that a very substantial amount, running into several crores is outstanding, according to the school authorities, from the students.

It is submitted on behalf of the school authorities that if the fund generated by school fees is not received by the schools, it would be impossible to maintain and run them. During this festive period it would be difficult for them to pay bonus etc. to their employees.

A dispute has been raised that the bills raised by the schools and other educational institutions are not in accordance with the order of the division bench dated 13th October, 2020.

Alleging that the claim made by the school authorities has not been in accordance with the said order dated 13th October, 2020 and on other issues several contempt applications have been filed in this court.

We direct all applications to be listed before us on 3rd December, 2021 (at 2.00 P.M.).

In the meantime, the students shall have to pay the entire claim made by the school authorities, without prejudice to their rights and contentions in the manner indicated herein.

The undisputed/admitted part of the bill and the disputed part of the bill may be segregated by each student and paid separately, indicating in a written note

accompanying such payment the amount which is disputed and which is admitted. The school authorities will be entitled to straightway appropriate the admitted amount. They shall also receive the disputed amount, deposit the same in a separate account and keep an account. Such payment has to be made by the students positively by 25th October, 2021.

Each school will file a further affidavit indicating the payments received in terms of this order. They shall also prepare a list of defaulters and the total amount due from each of them.

For the time being the school authorities will not prevent any student from sitting in any board or annual or mid-term assessment examination of the school.

For the time being, all rustication orders shall be kept in abeyance.

All other directions not contrary to this order will continue.

(I.P. MUKERJI, J.)

(MOUSHUMI BHATTACHARYA, J.)