

IN THE SUPREME COURT OF INDIA  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
WRIT PETITION (CIVIL) No. \_\_\_\_\_ OF 2020

**IN THE MATTER OF**

1.

...Petitioner No.1

...Petitioner No.2

...Petitioner No.3

Versus

1. Union of India

Through,

Secretary

Ministry of Human Resource Development

Shastri Bhawan,

New Delhi,

Delhi 110011

.....Respondent No.1

WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN  
THE NATURE OF MANDAMUS DIRECTING THE  
RESPONDENTS FOR SEEKING A WRIT IN THE NATURE OF  
MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER,  
DIRECTIONS OF LIKE NATURE DIRECTING THE  
RESPONDENTS TO PROVIDE ADEQUATE AND EFFECTIVE  
MECHANISM FOR THE IMPLEMENTATION OF VARIOUS  
NOTIFICATIONS/ORDERS AND TO PASS TO DIRECT THE  
RESPONDENTS HEREIN TO ISSUE  
ORDER/NOTIFICATION/DIRECTIONS TO RESPECTIVE

STATE GOVERNMENTS INCLUDING THE GOVERNMENT OF UNION TERRITORY PERTAINING TO PRIVATE AND PUBLIC COLLEGE INCLUDING ANY SUCH EDUCATIONAL UNAIDED INSTITUTIONS FOR PROVIDING A RELIEF , WAIVE OFF, OR MORATORIUM ON ACADEMIC FEES FOR THE NEXT SEMESTER AND RESTRICT THEM FROM ASKING LUMP SUM AMOUNT, AND AN UNIFORM TO PROVIDE FOR EFFECTIVE APPLICATION OF NOTIFICATIONS ISSUED BY CONCERNED STATES AND TO PROHIBIT THEIR INDULGENCE IN INHUMANE ACTIVITIES FOR PAYMENT OF OUTSTANDING FEES AFTER THE LOCKDOWN.

To,

The Hon'ble Chief Justice of India and his companion Justices of the Supreme Court of India;

The Humble Petition of the  
Petitioner above-named

**MOST RESPECTFULLY SHOWETH: -**

**ARRAY OF PARTIES**

1. The writ petition to the effect of the writ petitioner has no personal interest in the litigation and the petition is

not guided by self-gain or for gains of any other person/institution/body and that there is no motive other than of public interest in filing the writ petition

2. That the Petitioner No.1 is a Non-Governmental Organization constituted as per the provision contained in the Societies Registration Act, 1860 with aim to serve for the welfare of the society with the objective of becoming a helping hand for the those in need. the Petitioner No. 1 with one of its objectives 'To work for Protecting Human Rights and Fundamental Rights' has taken up this issue affecting the people at large and that the Petitioner No.2 is a law abiding citizen and is currently preparing for judicial services and believes that it is his duty as a concerned and aware citizen on India to bring forth the such practices which are in detrimental to the right to education of university students.
3. That the Petitioner No.3 is a bona fide law-abiding citizen final year law student and believes that it is his duty to set into motion the legal process when grave offences which affect the society at large are brought to his notice which, in his opinion, cause a grave miscarriage of justice. It is this duty that he seeks to perform in the instant case.

4. That the Petitioner No.4 is a bona fide law-abiding citizen third year law student and believes that it is her duty to set into motion the legal process when grave offences which affect the society at large are brought to her notice which, in her opinion, cause a grave miscarriage of justice. It is her duty that she seeks to perform in the instant case.
5. That the petitioners herein have no personal interest in the litigation and nobody who the petitioners know are interested or would in any manner benefit from the relief sought in the present petition save as the member of the general public. The petition is not guided by self-gain or gain of any person, institution, body or there is no motive other than of public interest in filing the present petition.
6. That the Respondent No.1 is the Ministry of Human Resource Development, the said have been entrusted with the task of carrying out and implementing such steps that are important and essential for the education and literacy wellbeing of the citizens and the said Respondent have time and again issued notifications and orders for implementing such steps which are required to sustain and protect the education pertaining to higher level and school level literacy.

**Brief Facts**

7. That the present Petition is filed in Public Interest for seeking a Writ in the nature of Mandamus or any other appropriate Writ, Order, directing the Respondents for seeking a Writ in the nature of Mandamus or any other appropriate Writ, Order, Directions of like nature directing the Respondents to provide adequate and effective mechanism for the implementation of various notifications/orders and to pass to direct the Respondents herein to issue order/notification/directions to Respective State Governments including the Government of Union Territory pertaining to private and public college including any such educational unaided institutions for providing a relief , waive off, or moratorium on academic fees for the next semester and restrict them from asking lump sum amount, and an uniform to provide for effective application of notifications issued by concerned states and to prohibit their indulgence in inhumane activities for payment of outstanding fees after the lockdown.
8. That the disease is believed to have begun in the wet meat market of Wuhan, China and thereafter has spread throughout the world, having claimed almost

12,000 lives in within a month and the governments around the world conjunction with health institutions around the world have issued various guidelines and precautionary methods that are required to be taken by individuals to effectively stop and curtail the spread of the said disease/virus. That the Covid-19 pandemic has spread throughout India with more than 15,000 people affected and termed as active cases.

9. That amongst various guidelines and other steps required to be taken, maintaining social distancing and staying indoors has been taken as pivotal precautionary measures and therefore, the government restricted all the industries from performing their employment obligations and any such business activities during the lockdown.
10. That the government through its official notification issued extended the nation-wide lockdown further till 3 May 2020 in the country directing every citizen to abide by the order by staying at home and restricting their movement outside their houses. The said order has been annexed hereto as **Annexure P-1**
11. That it is submitted, the business owners and institutional employees have been severely affected

because of the zero cash flow rate during the 40-day lockdown period.

12. That it is submitted, the Central Board of Secondary Education released a notification directing respective State Educational Directorates to take appropriate steps to ensure that the fees and other such expenditures by the parents are effectively met, however the Respondents No.1 have not placed any centralized uniform policy for the colleges and universities. The said notification has been annexed hereto as **Annexure P-2**.

13. That in lieu of the same, the petitioners contend that the payment of semester (bi-annual) fees for public and private colleges and universities which stands due should be waived off or a partial payment of fees shall be issued in as much as the parents of university students are in no financial as well as mental state to provide high tuition fees for the upcoming semester because of the heavy losses and zero income in every employment sector and industry from past 40 days. Moreover, most of the saved income has been utilized for basic commodities since the lockdown.

14. That there is no such order pertaining to relaxation of fees in public and private universities, aided or unaided



institutions have been passed which are equally pivotal for continuation of education.

15. That it is submitted that, the universities have adopted a nonchalant and non-serious approach to the said issue and are not providing or effectively dealing with the said issue and thereby effectively causing and forcing the students to pay the fees thereby imposing financial burden and causing mental agony to every student and endangering the wellbeing of every student.
16. That further, no such official order as to relaxation of fees or moratorium in the payment of fees has been issued for university or college going students which has left them in huge mental agony and trauma.
17. That it is humbly submitted, this non issuance and guidance leave the students in distress with no reform as to payment of their college fees.
18. That the petitioner moves this Hon'ble Court in light of the above-mentioned facts & circumstances under the Art. 32 of the Constitution of India.
19. That the issues being agitated in this petition is a very critical one. It is submitted that the public at large is concerned with the issue in hand as the issue is no longer a local law & order problem but has become a concern for the whole nation due to violation of

Fundamental Rights of lakhs of people, especially college students thus violating their right to continuous and uninterrupted education especially when they are in condition of not being able to make payments due to no fault of their own.

20. That it is further stated, though several colleges, universities and schools have taken a *suo-moto* decision to either reduce the fee or in the alternative to waive the fee, however the same has not been made a uniform policy, leaving many students at all levels in dire need of having to pay their fees. A few instances of fee waiver have been annexed hereto in full-disclosure as **Annexure P-3.**

21. That a large group of students throughout the country are at risk of losing their admissions if Respondents No.1 do not create a uniform policy to safeguard the hard earned admissions of students.

22. That this Hon'ble Court may indulge, directing the respondents on this issue as prayed herein. It is submitted that this Hon'ble Court, being the last resort of Justice, has time and again stepped in to provide a beacon in terms of directions and has provided for such situations where one's rights are violated.

23. That the petition prefers this Writ petition, inter-alia, on the grounds, amongst which the others are;

**GROUNDS**

- A. BECAUSE it is the core of an effective Government that the Right to Life and personal Liberty and Right to Education, as enshrined under Article 21 and Article 21-A respectively for students both in private and government schools, of the Constitution of India, is sacrosanct and the said right should not be made a part of a trade in hands of nefarious few.
- B. BECAUSE widespread infection and the growing number of cases are required to be met by effective precautionary methods and therefore colleges are not in working, which stands them in no position to demand semester fees.
- C. BECAUSE the education and the well-being of the students at large cannot be allowed to hang in balance as those responsible to protect tend no assistance to its citizens.
- D. BECAUSE failure on part of the State to provide adequate and effective mechanism for the implementation of aforementioned notification will only further worsen the situation and thereby cause imbalance in the society.

- E. Because in the case of *Unni Krishnan, J.P. And Ors. Vs State of Andhra Pradesh and ors (1993 AIR 2178)* this Hon'ble Court laid down the law that educational institutions are not business enterprises and therefore cannot be run with the primary object of making profit.
- F. BECAUSE it is settled law that the State is the custodian of the welfare and wellbeing of its citizens.
- G. BECAUSE it is the duty of the State to sustain law and order and to provide for effective implementation of its own law and notification especially in time of such medical emergency
24. That the petitioners are constrained to file this petition before this Hon'ble Court as relief(s) claimed against affect the Respondents and protection of Fundamental Rights of the citizen and this Hon'ble Court has the jurisdiction to adjudicate and entertain this Petition.
25. That the petitioners are constrained to file the above writ-petition before this Hon'ble Court as it has no other efficacious remedy and the matter is of grave urgency and significance.
26. That the petitioners are citizens of India and filing the present petitioner for common cause and benefits of the society at large.
27. That the petition, if allowed, would benefit the citizens especially students and such brazen violation of law by

individuals entrusted with care of its citizens and the nonchalant attitude of the respondents can be stopped by the orders of this Hon'ble Court only.

28. That the Petitioner has not filed any similar petition/case previously before this Hon'ble Court or before any other High Court.
29. That the petitioner has no personal interest/gain/private motive of oblique reason in filing the present Writ Petition and prayers sought therein.
30. That there is no pending civil and criminal or revenue or any other litigation(s) involving the Petitioners which has or could have a legal nexus with the issue involved in the present Petition.

### **PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may very graciously be pleased to;

- A. Issue an appropriate writ, order or direction in the nature of Mandamus, directing the Respondents to issue appropriate orders and notifications for providing a waive off in the fees for university going students.;
- B. Issue an appropriate writ, order or direction in the nature of Mandamus directing the Respondents herein

to provide relief mechanism or moratorium in furtherance of any relief order;

C. Issue an appropriate writ, order or direction in the nature of Mandamus directing the Respondents herein to provide mechanism to ensure that the names of the students are not omitted/deleted or left-out due to non payment of semester, school fees due to the current lockdown

And;

D. Any other order/order, direction/directions that this Hon'ble Court may deem fit in the interest of justice;

AND FOR THIS ACT OF KINDNESS, THE PETITIONER IS AS DUTY BOUND AND SHALL EVER PRAY

Drawn By and Filed By:

**PETITIONERS IN PERSON**

Drawn on:

Filing on:

IN THE SUPREME COURT OF INDIA  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
WRIT PETITION (CIVIL) No. \_\_\_\_\_ of 2020

**IN THE MATTER OF:**

Justice For Rights Foundation and Ors .... Petitioner  
Versus  
Union of India ... Respondents

**A F F I D A V I T**

I, Sh. Satayam Singh aged 24 years, s/o Late Sh. AN Singh, having office at E-40/928, Molar Band Extension, Arya Samaj, New Delhi-110044 do hereby solemnly affirm and declare as under:

1. That I am the President to the Petitioner No. 1, which is a Society registered under Societies Registration Act, 1860, having office at E-40/928, Molar Band Extension, Arya Samaj, New Delhi-110044 in the above noted Petition and vide resolution passed in the Meeting of the Board of Directors/General Body/Executive Committee of the petitioner been authorized to institute and sign this petition.
2. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present Application. I further confirm that I have not concealed in the present Application any data/material /information which may have enabled this court to form an

opinion whether to entertain this Application or not and/or whether to grant any relief or not.

3. That I have been explained the accompanying Synopsis and List of Date Writ Petition at Para Nos. 1 to 30 and applications and they are true and correct to the knowledge and belief as per the record of the case and that the last paragraph is the Prayer.

4. That the copies of Annexures are true to their originals.

5. That no other similar petition is pending before this Hon'ble Court or any other court that has been filed by the petitioners herein.

**DEPONENT**

**VERIFICATION:**

Verified at New Delhi on this 27th day of April, 2020 that the contents of my above affidavit are true and correct to my knowledge; no part of it is false and nothing has been concealed therein.

**DEPONENT**