

W.P.(C) Nos. 11299, 11263 & 11514 of 2020

09. 01.09.2020

Heard Mr. Mohammed Mustaq Ansari, learned Advocate, who appears in person in W.P.(C) No.11299 of 2020, Mr. Ranjan Kumar Rout, learned counsel for the petitioner in W.P.(C) No.11263 of 2020, Mr. V. Narasingh, learned counsel for the petitioner in W.P.(C) No.11514 of 2020 and Mr. Ashok Kumar Parija, learned Advocate General for the State-opposite parties, Mr. B. Routray, learned Senior Advocate for the opposite party-Confederation of Odisha Public Schools and Sri Asok Mohanty, learned Senior Advocate for the opposite party-Odisha Private Schools Teachers Association, by Video Conferencing mode.

Mr. Ashok Kumar Parija, learned Advocate General was on the earlier date requested to assist this Court in the matter and explore the possibility of the amicable resolution of the dispute by way of mediation between the parties whether the private educational institutions can be persuaded to grant waiver of a portion of fees due to the ongoing pandemic COVID-19 to the

students/parents, especially the fee demanded on certain heads, like Development, Uniform, Conveyance, etc. which the petitioners are terming unreasonable.

Learned Advocate General informed the Court that the Secretary, School & Mass Education Department, Odisha, Bhubaneswar is prepared to convene a meeting of the representatives of the Private Un-Aided and Aided Educational Institutions and representatives of the parents and teachers' association. He however submitted that for a meaningful discussion in an orderly manner, not more than five representatives from each of the three grounds, should be allowed to attend such deliberations but they should be required to give their choice to participate in such meeting either physically or by virtual mode.

Having regard to the aforementioned submissions, it is directed that five representatives from Confederation of Odisha Public Schools, five representatives from parents, three of whom shall be the President, the Vice-President and the Secretary respectively of Odisha Abhibhabak Mahasangha, and one parent each as

nominated by the petitioner in W.P.(C) No.11299 of 2020 and the petitioner in W.P.(C) No.11263 of 2020 and five representatives of teachers' to be nominated by Odisha Private Schools Teachers Association, shall participate in such deliberations. Their names shall be conveyed to the Secretary, School and Mass Education Department positively by 2.00 P.M. on 03.09.2020, along with their preference whether they would like to attend such meeting physically or by video conferencing.

The Secretary, School & Mass Education Department shall make an endeavour in the proposed meeting whether the private educational institutions can be persuaded for waiver of a portion of fees payable by the students or accept part of the fees by deferring remaining part or whether any other kind of consensus can be arrived at on such terms that may be agreed upon between the parties, in view of the ongoing pandemic COVID-19 and also examine whether any unreasonable and excessive fees is being demanded by any of the private educational institutions on unreasonable head such as development

fee, uniform charges, conveyance charges, or other charges of the like nature.

The Secretary, S & ME Department may convene the meeting preferably at 12 Noon on 04.09.2020 and if the same remains inconclusive, on any other date and time within a week (next seven days). Report of the deliberations may be produced before the Court on the next date.

The matter to come up on 14.09.2020.

Learned counsel for the parties may in the meantime file their written note of submissions.

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(Mohammad Rafiq)
Chief Justice

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(K.R. Mohapatra)
Judge