

02.07.2021

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Ct.No. 03

Amalranjan

(Via Video Conference)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

WPA (P) 162 of 2021

With

WPA 5890 of 2020

Rajib Chakraborty & Ors.

Vs.

State of West Bengal & Ors.

Mr. Sai Deepak,
Mr. Dhilan Sengupta,
Ms. Priyanka Agarwal,
Mr. Rishab Kumar Singh,
Mr. Anurag Mitra.....For the petitioners.

Mr. Sayan Sinha.....For the State.

Mr. Jishnu Chowdhury,
Mr. Durgadas Banerjee,
Mr. S.P. Tewary,
Mr. Partha Banerjee,
Mr. Abhijit Tewari,
Ms. Paramita Banerjee.....For the respondent no. 4.

Mr. Abhrajit Mitra,
Mr. Nikunj Berlia,
Mr. Shoumendu Mukherjee,
Mr. Kunal Chatterjee.....For the Association of ICSE
Schools, West Bengal Chapter.

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. Naba Kumar Pal,
Ms. Surabhi Gularia..... For Delhi Public School,
Siliguri.

Ms. Surabhi Gularia..... For Delhi Public School,
Durgapur
+
DAV Model School.

Mr. Abdur Raquib.....For Delhi Public School, Joka.

Mr. Bipul 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. Iman Bhattacharya,
Ms. Pooja Shah.....For St. Hellen School,
Howrah.

Mr. Pinaki Dhole.....For Hariyana Vidya Mandir.

Mr. Sabyasachi Chowdhury,
Mr. Rajarshi Dutta,
Mr. V.V.V. Shastri,
Mr. Tridib Bose,
Ms. Shibika Tewari.....For Ashok Hall Group of
Schools and Ballygunge Siksha
Sadan.

Mr. Ayan Chakraborty.....For Adamas International
School.

Mr. Tanvi Luhariwala.....For Adamas School Parents'
Forum.

Mr. Arnab Chakraborty.....For Well and Gold Smith
School.

Mrs. Chama MookherjeeFor Calcutta Boys' School

Mr. Sandip Kumar Dey,
Mr. Abhijit Sarkar.....For Calcutta Girls' High
School.

Mr. Arun Alo Roy
Mr. Swagato Roy For Mahadevi Birla World
Academy & Birla Bharati

Raj Mohan Chatteraj
Mr. Sankar Prasad Dalapati.....For Swabhumi
Foundation
+
G.D. Goenka Public School,
Dakshineswar

+
Indira Gandhi Memorial High
School, Dum Dum

+
Indira Gandhi Memorial High
School, Barasat

Mr. Sarajit Sen For DPS, Asansol

Mr. Y. J. Dastoor, Ld. ASG.
Mr. Siddhartha LahiriFor Union of India

Re: CPAN 410 of 2021 With CPAN 411 of 2021
With CPAN 412 of 2021 With CPAN 413 of
2021 With CPAN 414 of 2021

All pending applications for addition of parties in these proceedings are to be listed when the matter is taken up next.

It is noticed that quite a few applications which were assigned to us have not been listed today: they are as follows:-

WPA 5378 of 2020, WPA 5400 of 2020, WPA 5530 of 2020 and WPA 5872 of 2020 with CAN 32 of 2020.

We also notice that two contempt applications along with three applications connected with it have also not been listed. They are as follows:-

CPAN 723 of 2020 and CPAN 131 of 2021 with CAN 1 of 2021, CAN 2 of 2021 and CAN 3 of 2021.

All these applications are treated as on the day's list today.

Let affidavits be exchanged in each of these applications according to the following directions.

Affidavit-in-opposition be filed by 14th July, 2021 and affidavit-in-reply be filed by 28th July, 2021.

List all these applications along with any other applications for intervention etc. on 6th August 2021 at 2.00 P.M.

It is pointed out to us by some learned counsel representing the school management that taking advantage of the order of this court restraining the school authorities from expelling the students on the ground of non-payment of fees, a substantial number of students has not paid the fees, as reduced by us. In the circumstances, they seek our leave to expel these students from the school.

We do not propose to modify our order dated 4th June of 2021 and 18th June 2021 with regard to respondent no. 4.

We modify our orders dated 4th June, 2021 and 18th June, 2021 to the extent that they shall cover all the schools and other teaching institutions in West Bengal. The management of

those schools except the respondent no. 4 will prepare a list of students who are defaulters in the payment of school fees. The same shall be handed up to this court on the returnable date.

Notice of this should be given to the guardians of those students by the schools authorities.

The schools, considering the continuance of the Covid-19 pandemic, will not take any steps to expel the students or to discontinue their study.

We make it clear that if on the returnable date we find that such default is continuing, we shall, after hearing any representation on behalf of the students and in the absence of good cause being shown, permit the schools to remove the name of those defaulters whose name is in the said list, from the rolls of the school.

(I. P. Mukerji, J.)

(Moushumi Bhattacharya, J.)