



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 3630/2022

1. Miss Ikshita Jain, Class Vii E, D/o Sh. Rakesh Kumar Jain R/o 5/328, Sfs, Mansarovar, Jaipur, Rajasthan 302020
2. Miss Dakshita Dhakad, Class V B, D/o Sh. Nitendra Singh, R/o Plot No 214, Giriraj Nagar, Golyavas, Mansarovar, Jaipur, Rajasthan 302020
3. Master Rudraksh Dhakad, Class Ii E, S/o Sh. Nitendra Singh, R/o Plot No 214, Giriraj Nagar, Golyavas, Mansarovar, Jaipur, Rajasthan 302020
4. Miss Sanvi Bharti, Class Ii, D/o Sh. Ramesh Bharti R/o S-1, Plot No 89, Padmavati Villa, Gayatri Nagar B, Maharani Farm, Durgapura, Jaipur, Rajasthan- 302018
5. Master Kartik Bharti, Class Viii, S/o Sh. Ramesh Bharti R/o S-1, Plot No 89, Padmavati Villa, Gayatri Nagar B, Maharani Farm, Durgapura, Jaipur, Rajasthan- 302018.
6. Miss Avani Singh, Class V E, D/o Sh. Govind Singh Sankhala , R/o B-10, Mikki Nagar, Kartarpura, Jaipur Station Road Jaipur, Rajasthan 302006
7. Miss Divisha Jain, Class Viii C, D/o Sh Ajay Kumar Jain R/o C-53, Barkat Nagar Extension Tonk Phatak, Ward No 55. Jaipur Rajasthan 302015
8. Miss Trisha Goswami, Class X-B, D/o Sh. Pradeep Bharti R/o Ayodha Nagar, Village Dhawas, Tagore Nagar, Heerapur, Jaipur Rajasthan 302006
9. Miss Pari Goswami, Class V D, D/o Sh. Pradeep Bharti R/o Ayodha Nagar, Village Dhawas, Tagore Nagar, Heerapur, Jaipur Rajasthan 302006 (All Are Minors Represented Through Their Natural Guardian Father)

----Petitioners

Versus

1. Cambridge Court High School, Through Its Principal / Managing Director, Sector-8, Aravali Marg, Madhyam Marg, Mansarovar Jaipur- 302020, Rajasthan
2. School Level Fee Committee Members, Cambridge Court High School Sector-8, Aravali Marg, Madhyam Marg, Mansarovar Jaipur- 302020, Rajasthan
3. State Of Rajasthan, Through Principal Secretary To The



Government, Secondary Education Secretary,
Government Secretariat, Jaipur.

4. Director Secondary Education Department, Bikaner, State Of Rajasthan
5. Ministry Of Home Affairs, Rajasthan State, Through Principal Secretary Home Affairs, Government Secretariat, Jaipur.
6. Rajasthan State Commission, For Protection Of Child Right, Jaipur (Rscpcr) Through Its Chairman, 7 B, Near Regional Transport Office, Opposite Acb Headquarter, Jhalana Institutional Area, Jhalana Doongri, Jaipur, Rajasthan 302004
7. Central Board Of Secondary Education, Through Its Chairman Shiksha Kendra 2 Community Centre, Preet Vihar, New Delhi, Delhi 110092

----Respondents

For Petitioner(s) : Ms. Sumitra Choudhary, Adv.
For Respondent(s) : Mr. Anuroop Singhi, Adv. with
Mr. Tarun Kumar Verma, Adv.
Mr. Rahul Sehra, Adv. on behalf of
Mr. Ganesh Meena, AAG.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

04/03/2022

Heard on the stay application (3665/2022).

Learned counsel for the petitioners submitted that all the petitioners are students of respondent No.1-Cambridge Court High School and the respondent in most arbitrary and illegal manner has deprived the petitioners to write their examination.

Learned counsel for the petitioners submitted that the Apex Court in the case of **Indian School Jodhpur & Anr. Versus State of Rajasthan & Ors.** & other connected Civil Appeals, has decided the controversy, vide its order dated 03.05.2021 and



directions have been given to the private schools to allow the students from attending Online Classes or Physical Classes and no students should be debarred from attending the classes only on account of not paying the money/arrears/outstanding fees including the installments which parents were bound to pay.

Learned counsel for the petitioners submitted that the Apex Court has also made it clear that the difficulty of the parents to remit annual fees is also required to be considered by the management on case-to-case basis sympathetically.

Learned counsel for the petitioners submitted that parents of the petitioners before approaching this Court have given several representations to the Authorities and requested to fix the fees as per the directions of the Apex Court.

Learned counsel for the petitioners submitted that no response was given by the respondents to the representations submitted by the parents of the petitioners.

Learned counsel for the petitioners further submitted that the Government Officials i.e. District Education Officer also sought explanation from the school concerned, however, no such intimation has been given to the official respondents and in most arbitrary manner, the petitioners have been deprived to right their examinations which are to commence from 03.03.2022.

Learned counsel for the petitioners submitted that considering the career of the students, this Court may give suitable directions to the respondents to permit them to write their examination.

Learned counsel for the petitioners submitted that institution would not suffer any loss if interim order is passed by this Court, permitting the petitioners to write their examinations and if they



are not being permitted, they will suffer irreparable loss and their entire career will be lost for all times to come.

Learned counsel for the respondent-Mr. Anuroop Singhi submitted that reply to the writ petition as well as stay application needs to be filed.

Learned counsel for the respondent has produced one chart before this Court whereby details have been given of different petitioners.

Learned counsel for the respondent submitted that most of the petitioners have not paid any fee for the Academic Session 2021-2022 and in certain cases, the fee has also not been paid for the Academic Session 2020-2021.

Learned counsel for the respondent submitted that in some cases the petitioners have attended the classes till 26.10.2021 and yet no fee has been paid by them.

Learned counsel for the respondent submitted that the Exam Schedule is declared much in advance and the writ petition has been filed only at the 11th hour to seek indulgence by the Court in the garb of sympathy to write their examination.

Learned counsel for the respondent also submitted that the Apex Court has also clarified the order passed initially and while deciding the misc. application No.1399/2021, the Apex Court has made it clear that the last date for paying the installments referred in the judgment has already expired and still arrears are not being paid by the parents. The School Management may take appropriate action for recovery of the outstanding dues/amount.

Learned counsel for the respondent submitted that prayer sought in the writ petition by the petitioners like attending the



classes and writing the exams without paying fee will be like granting final relief at this stage.

I have heard the submissions made by learned counsel for the parties.

This Court prima facie finds that the petitioners and their parents have admittedly not paid any fee for the Academic Session 2021-2022 and further in certain cases even fee has also not been paid for the Academic Session 2020-2021.

This Court is afraid to accept the submission of learned counsel for the petitioners that even if fee is not paid by the children or their parents due to genuine reasons, still they are entitled to write the exam. The children or their parents, if they have enrolled in private schools and the fees structure after decision of the Apex Court, is settled by the School, it was expected from the parents that the necessary fee or at least some installments, should have been paid by them.

No case is made out.

Accordingly, the stay application is dismissed.

Learned counsel for the respondent may file reply within a period of three weeks.

List the writ petition thereafter.

(ASHOK KUMAR GAUR),J

Ramesh Vaishnav /86/119