

ITEM NO.36+38 Court 5 (Video Conferencing)

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).27907-27916/2019

(Arising out of impugned final judgment and order dated 14-08-2019 in DBCWP No. 6453/2018 14-08-2019 in DBCWP No. 5080/2017 14-08-2019 in DBCWP No. 5088/2017 14-08-2019 in DBCWP No. 6454/2018 14-08-2019 in DBCWP No. 6480/2018 14-08-2019 in DBCWP No. 6485/2018 14-08-2019 in DBCWP No. 6491/2018 14-08-2019 in DBCWP No. 6492/2018 14-08-2019 in DBCWP No. 7919/2018 14-08-2019 in DBCWP No. 6414/2018 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

GANDHI SEWA SADAN RAJSMAND

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

WITH

SLP(C) No. 27987/2019 (XV)

SLP(C) No. 27881/2019 (XV)

SLP(C) No. 2942/2020 (XV)

SLP(C) No. 5902/2020 (XV)

Diary No(s). 6803/2020 (XV)

IA No. 111851/2020 - CONDONATION OF DELAY IN FILING

IA No. 111854/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 5470/2020 (XV)

SLP(C) No. 5589/2020 (XV)

SLP(C) No. 431/2021 (XV)

(FOR ADMISSION and I.R. and IA No.2305/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.2307/2021-EXEMPTION FROM FILING O.T. and IA No.2924/2021-EXEMPTION FROM FILING O.T. and IA No.2923/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 44/2021 (XV)

(FOR ADMISSION and I.R. and IA No.1704/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.1701/2021-EXEMPTION FROM FILING O.T. and IA No.1703/2021-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(C) No. 577-579/2021 (XV)

(FOR ADMISSION and I.R. and IA No.3012/2021-EXEMPTION FROM FILING

O.T.)

SLP(C) No(s). 619/2021

(IA No.3228/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3229/2021-EXEMPTION FROM FILING O.T. and IA No.3231/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.3232/2021-PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 08-02-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Anuroop singhi, Adv.
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Ms. Christi Jain, Adv.
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Mr. Pallav Shishodia, Sr. Adv
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Ms. Padma Priya, Adv
Mr. Anchit Bhandari, Adv
Ms. Shreya Gupta, Adv
Mr. K. Paarivendhan, AOR

Mr. C.U. Singh, Sr. Adv.
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Ms. Gauri Jasana, Adv
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Mr. Neeraj Shekhar, AOR

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Mr. Shakthi Chand Jaidwal, Adv

Mr. Mayank Kshirsagar, AOR
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Mr. Chanchal Gupta, Adv.
Mr. Siddharth Sharma, Adv.
Mr. Kaustubh Jha, Adv.

For Respondent(s) Mr. Mahabir Singh, Sr. Adv
 Ms. Sumitra Choudhary, Adv
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 Mr. Amit Chhangani, Adv
 Mr. Bhrigu Sharma, Adv
 Ms. Anisha Upadhyay, AOR
 M/S. Unuc Legal LLP, AOR

Dr. Raman Deep Singh Sidhu (kharlia)
 Mrs. Pragya Baghel, AOR

Mr. Rupesh Kumar, AOR
 Mr. Rajeev Sharma, Adv
 Ms. Neelam Sharma, Adv
 Ms. Pankhuri Shrivastava, Adv
 Mr. Alekshendra Sharma, Adv
 Mr. Pravesh Bahuguna, Adv

Mr. Sunil Samdaria, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

SLP(C) No(s). 619/2021

De-linked.

List the matter on 15th February, 2021.

SLP(C) Nos.27907-27916/2019, SLP(C) No. 27987/2019
 SLP(C) No. 27881/2019, SLP(C) No. 2942/2020, SLP(C) No.
 5902/2020, Diary No. 6803/2020, SLP(C) No. 5470/2020,
 SLP(C) No. 5589/2020, SLP(C) No. 431/2021 Diary
 No(s). 44/2021 (XV), SLP(C) No. 577-579/2021 and SLP(C)
 No(s). 619/2021

Special Leave Petition (C) Diary No. 3533 of
 2021 is taken up along with these matters, at the

request of the petitioners therein.

The hearing of these cases has been commenced and is part heard. But, since the hearing is likely to take some more time, we deem it appropriate to pass interim directions which will address the concerns of all parties in some measure.

We propose to stay the impugned order on the following conditions:

- (a) The management/school may collect fees for the academic year 2019-2020 as well as 2020-2021 from the students, equivalent to fees amount notified for the academic year 2019-2020, in six monthly installments commencing from 5th March, 2021 and ending on 5th August, 2021.
- (b) The Management shall not debar any student from attending either online classes or physical classes on account of non-payment of fees, arrears/outstanding fees including the installments, referred to above, and shall not withhold the results of the examinations of any student

- on that account.
- (c) Where the parents have difficulty in remitting the fee in terms of this interim order, it will be open to those parents to approach the school concerned by an individual representation and the management of the school will consider such representation on a case-to-case basis sympathetically.
- (d) The above arrangement will not affect collection of fees for the academic year 2021-2022, which would be payable by the students as and when it becomes due and payable, and as notified by the management/school.
- (e) In respect of the ensuing Board examinations for classes X and XII (to be conducted in 2021) the school management shall not withhold the name of any student/candidate on the ground of non-payment of the fee/arrears, if any, on obtaining undertaking of the concerned parent/student.
- (f) The above arrangements would be

subject to the outcome of these matters including the final directions to be given to the parties and without prejudice to the rights and contentions of the parties in these proceedings.

- (g) We also direct the State of Rajasthan to ensure that all government outstanding dues towards unit cost payable to respective unaided schools are settled within one month from the today and, in any case, before 31st March, 2021.

Ordered accordingly.

Heard in part.

Hearing of the aforesaid cases, shall continue on 15th February, 2021.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER