

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). 12924-12925/2020

(Arising out of impugned final judgment and order dated 01-10-2020 in LPA No. 421/2020 09-10-2020 in CM No. 1875/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

INDEPENDENT SCHOOLS ASSOCIATION
CHANDIGARH (REGD.) & ORS.

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.111083/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 12-03-2021 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. Avi Singh, Adv.
Mr. Manohar Pratap, Adv.
Mr. Ajit Kumar Ekka, AOR

For Respondent(s) Mr. Karan Bharihoke, AOR
Ms. Neha Sahai Bharihoke, Adv.
Mr. Siddhant Sharma, Adv.

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

List these matters after pronouncement of Judgment in SLP(C) Nos.27907-27916 of 2019 titled as "*Gandhi Sewa Sadan Rajsmand Vs. State of Rajasthan*".

In the meantime, there shall be stay of the operation of the impugned judgment of order dated 01.10.2020 and 09.10.2020.

The interim arrangements directed vide order dated 08.02.2021 passed in Gandhi Sewa's case (Supra) shall apply to the petitioner - Independent Schools Association Chandigarh (Regd.) in State of Punjab as well.

Signature Not Verified
Digital Signature
Notary
Date: 2021-03-13
13:37:47 IST
Reason:

(SWETA DHYANI)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

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.
Mr. Puneet Jain, Adv.
Mr. Ankit Anandraj Shah, AOR
Ms. Christi Jain, Adv.
Ms. Anshula Laroia, Adv.

Mr. Pallav Shishodia, Sr. Adv
Mr. Rishabh Sancheti, Adv
Ms. Padma Priya, Adv
Mr. Anchit Bhandari, Adv
Ms. Shreya Gupta, Adv
Mr. K. Paarivendhan, AOR

Mr. C.U. Singh, Sr. Adv.
Mr. Azeem Samuel, Adv.
Ms. Alankrita Sharma, Adv.
Mr. Rishab Khandelwal, Adv.
Ms. Daisy Hannah, AOR

Mr. Prateek Kasliwal, Adv
Ms. Archana Pathak Dave, AOR
Ms. Gauri Jasana, Adv
Mr. Prakhar Sharma, Adv

Mr. Santosh Mishra, AOR

Mr. Neeraj Shekhar, AOR

Mr. Romy Chacko, AOR
Mr. Shakthi Chand Jaidwal, Adv

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

For Respondent(s) Mr. Mahabir Singh, Sr. Adv
 Ms. Sumitra Choudhary, Adv
 Mr. Sushil Sharma, Party-in-person
 Mr. Sandeep Singh, AOR

Dr. Manish Singhvi, Sr. Adv
 Mr. Sandeep Kumar Jha, AOR

Dr. Manish Singhvi, Sr. Adv
 Ms. Padhmalakshmi Iyengar, Adv
 Mr. Nishanth Patil, AOR
 Mr. Vidit Monga, Adv

Ms. Sharmila Upadhyay, Adv.
 Ms. Anshul Sharma, Adv
 Mr. Amit Chhangani, Adv
 Mr. Bhriugu 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