

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1399/2021
IN
CIVIL APPEAL NO. 1736/2021

PROGRESSIVE SCHOOLS ASSOCIATION APPLICANT(S)/
APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN & ANR. NON-APPLICANT(S)/
RESPONDENT(S)

WITH

MISCELLANEOUS APPLICATION NOS. 1400-1402/2021
IN
CIVIL APPEAL NOS. 1733-1735/2021

O R D E R

MISCELLANEOUS APPLICATION NO. 1399/2021

We have heard learned counsel for the parties.

The principal relief claimed in this application filed by the Progressive Schools Association (for short, 'the School Management') is that this Court must clarify paragraph 117 of the judgment dated 03.05.2021 in Civil Appeal No.1724 of 2021 to mean that it does not prohibit the schools from taking

coercive action against the students who have failed to pay the installments as per the arrangement predicated in the stated judgment.

Amongst others, the judgment directs the School Management not to debar any student from attending either on-line classes or physical classes on account of non-payment of fees, arrears/outstanding fees including the installments, referred to in the judgment, and shall not withhold the results of the examinations of any student on that account. Further, if any individual request is made by the parent/ward finding it difficult to remit annual fees for the academic year 2020-2021 in terms of the stated judgment, the School Management to consider such representation on case-to-case basis sympathetically.

Our attention is also invited to clauses (vi) and (vii) of paragraph 117 of the stated judgment. Suffice it to clarify that the spirit of the direction given in the stated judgment was to give time to the concerned parent/ward to pay the fees as specified therein –

including by way of installments. That does not and did not extricate the parent/ward from the liability to pay the amount specified in the judgment in any manner.

It is rightly pointed out by the School Management that the last date for paying the installments referred to in the stated judgment has already expired long back and despite that there are some parents/wards who are still in arrears and have committed default. It is open to the School Management to initiate appropriate action for recovery of the outstanding dues/amount, if any, in accordance with law. At the same time, if the concerned parent/ward seeks some indulgence for just reasons, it will be open to the School Management to consider such request compassionately. Besides this, nothing more is required to be said.

Obviously, if the final decision of the School Management on the request so made is unacceptable to the parent/ward, it will be open for such person to assail the same before

the appropriate forum only in the event of the demand made being excessive and beyond the permissible amount in terms of the judgment dated 03.05.2021.

We reiterate that the recovery process should be strictly in accordance with law; and the pronouncement of this Court vide judgment dated 03.05.2021 in Civil Appeal No.1724 of 2021 and connected cases should be strictly adhered to by all concerned in its letter and spirit.

Miscellaneous application is disposed of accordingly.

MISCELLANEOUS APPLICATION NOS. 1400-1402/2021

In addition to above, in the context of relief claimed in these applications, besides the observation made in Miscellaneous Application no.1399 of 2021, we accede to the prayer clause (1) of these applications.

The rest of the prayers cannot be entertained as all aspects have been clearly dealt with in the judgment dated 03.05.2021.

We dispose of these applications with the request to the High Court of Rajasthan, Jaipur Bench to expeditiously dispose of writ petitions filed by the Applicant-Society and pending before it.

It will be open to the applicant(s) to produce copy of this order while mentioning before the High Court for expeditious hearing of their pending writ petitions, in terms of this order.

....., J.
(A.M. KHANWILKAR)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI
OCTOBER 01, 2021

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

Miscellaneous applications are disposed of
in terms of the signed order.

Other pending applications, if any, shall
stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)