
(2020) 11 PAT CK 0010

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7613 Of 2020

Cusb Alumni Association

APPELLANT

Vs

Central University Of South Bihar And Ors

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Citation : (2020) 11 PAT CK 0010

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Vishal Kumar Singh, S.D. Sanjay, Priya Gupta

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

"I. For issuance of an appropriate writ of Mandamus or any other appropriate writ(s) or order(s) or direction(s) commanding the Respondents to revoke the order issued vide notice number CUSB/Acad/2-3 Vol-II/2016/720 dated 16.07.2020, seeking all the concerned students enrolled under the various Undergraduate/Post graduate/Ph.D. Programmes to compulsorily pay the semester fee (Odd Semester July - December, 2020), according to the Annexure 1 & II as enclosed as well as mentioned in the aforesaid notice by 31.07.2020, keeping in view the numerous financial constraints that the parents and students are facing because of the ongoing pandemic and subsequent lockdown.

II. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to completely waive off the Semester fee (July to December, 2020) of the students for all the departments of the Central University of South Bihar.

III. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to not to compel the Respondents to pay the fees for the upcoming odd semester, i.e. July-

December, 2020, and not to bar any of the student from attending the Online Classes who is not capable of paying the paid fees.

IV. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to not demand the Hostel and Mess Fee from the students in the current semester (July to December, 2020).

V. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to revise and issue the new the Fee structure for the upcoming odd semester of July-December, 2020, of both the categories of students, including Students enrolled before Academic Year 2018-19 and Students enrolled after Academic Year 2018-19, after waiving off the fees being charged in the name of the Laboratory Fee, Econometric Lab Fee, Computer Fee, Library/Magazine/Newsletter Fee, Games/Athletics Fee, Academic/Extension Activity Fee, Addt. Professional Enrichment Fee, Field Visit Fee, out of the total fees being charged for the upcoming odd semester of July-December 2020, as enclosed in the Annexure I and II of the same notice.

VI. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to charge only academic fee from students in the current semester (July to December, 2020) and to waive off all the other parts of the fees being charged and accordingly refund the proportionate fee of those students who have already paid.

VII. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to revise the policies of Third Party Agency (TPA) and that of the Insurance Company for issuing the Vidyarthi Mediclaim Insurance Policies to the large numbers of students so that it must also include the claim against the Covid-19 Coronavirus infection in the same insurance policy for which students will have to pay the nominal amount of insurance premium.

VIII. For issuance of an appropriate writ of Mandamus or any other appropriate writ(S) or order(s) or direction(s) commanding the Respondents to form the interim teaching policy that can be assimilated by all the privileged & under privileged students treating them on equal footing and in a manner not violative of Art. 14 of the constitution.

IX. Pass any such order or direction which may deem fit to this Hon'ble Court in best interest of the Petitioner."

Shri S.D. Sanjay, learned senior Advocate appearing for the respondent-University states that counter affidavit separately dealing with each one of the issues stands filed and most of the grievances highlighted by the writ-petitioner, who appears to be a busy body, already stand redressed.

The counter affidavit is not on record. However, the contents thereof have been

read out to us.

The issue of payment of Hostel Fee and Mess Charges stands settled. No student is required to pay the same unless and until the accommodation is allocated and occupied by the student(s). In so far as Tuition Fee is concerned, it already stands paid by the students by way of mechanism adopted by the University i.e. Easy Instalments. Also, none of the students have raised any objection or have any pending grievance with regard thereto. In so far as the issue of payment of premium of Insurance is concerned, the same is voluntary in nature and not mandatory. As such, it is open for the students to make payment and take benefit of the cover of the insurance policy.

We are of the considered view that most of the grievances already stand redressed and as such no fruitful purpose would be served by keeping the present petition pending.

As such, we dispose of the present petition in the following terms:

- (a) statement made on behalf of the University is accepted and taken on record;
- (b) surviving grievance(s), if any, may be agitated by the aggrieved party i.e. student(s) of the Institution directly with the authorities;
- (c) we are sure that as and when any such request is received, the same shall be considered and decided expeditiously, though sympathetically, but in accordance with law;
- (d) no opinion expressed on merits.

Petition stands disposed of in the aforesaid terms.