

(2020) 08 DEL CK 0039

In the Delhi High Court

Case No : CONT.CAS(C) No. 379 Of 2020, Civil Miscellaneous Application No. 17288, 17289 Of 2020

Master Vipul Yadav & Anr

APPELLANT

Vs

T Shrivastava & Ors

RESPONDENT

Date of Decision : 07-08-2020

Acts Referred:

Citation : (2020) 08 DEL CK 0039

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Khagesh B. Jha, Shikha Sharma, Kamal Gupta, Santosh Kumar Tripathi, Ashwini Kumar Singh

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been held through video-conferencing.
2. This contempt petition has been filed by two minor children through their father. The Petitioners i.e., the children are students of Richmond Global School, Mianwali Nagar, Paschim Vihar, New Delhi (hereinafter "School"), studying in class 5 and class 7.
3. They had earlier filed a writ petition being W.P.(C) 4402/2020 in which the allegation was that the School had hiked its fee without any basis.

In the said writ petition, order dated 21st July, 2020 was passed wherein the following directions were issued:

6. In view of the fact that the online classes are continuously being held by the School and the Petitioners are students of class 5 and

class 7, if they are not allowed to attend classes the injury will be irreparable. The stand of the Petitioners is that without any notice to them

the access to the portal was blocked. Prima facie, this Court is of the opinion that the careers of children is paramount and since Id.

Counsel for the Petitioners submits that they are willing to deposit the fees payable as per the Circular of the Government, it is directed as

under:

i) Upon service of this order, access to the School portal shall immediately be given to the Petitioners so that they can attend the online

classes;

ii) In terms of the circular dated 18th April, 2020, the School shall intimate the Petitioners as to how much fee is payable up to date within a

period of one week;

iii) Upon receipt of the said information, the Petitioners shall deposit the fee in the School within one week thereafter. During this entire

period, access to online classes shall not be stopped to the Petitioners;

iv) The Petitioners shall be permitted to participate in all the activities of the School which are being conducted through virtual/online

classes without any hindrance whatsoever.â??

4. The writ petition was kept pending and is now stated to be listed on 8th September, 2020.

5. The present contempt petition was filed on the ground that despite notice being served and the order being served on the e-mail of the School, the

Petitioners were not allowed to access the online classes. The outstanding fees due from the Petitioners was also not communicated to them. Notice

was issued in the contempt petition to the Principal and Chairman of the school through the SHO of the concerned area and the matter is listed today.

6. Mr. Kamal Gupta, Id. counsel appears for the school along with the Principal â?? Ms. T. Shrivastava. At the outset, Ms. Shrivastava expresses her

regret on the non-compliance of order dated 31st July, 2020. The justification given by the School is that the current Principal assumed charge on 14th

May, 2020, however, on 30th May, 2020 she moved to Kolkata due to her fatherâ??s illness. Her father passed away on 6th June, 2020. It is further

submitted that the Private Secretary to the Principal had also resigned in March, 2020 and due to the lockdown, a new Private Secretary had not been

appointed. When the new Private Secretary was appointed, the college email was restored and it was only then that the Principal came to know about

the order of this Court.

7. It is submitted that as of 2nd August, 2020, both students have been given the link for their online classes and other activities. The outstanding fees

has also been communicated to the Petitioners and the same has in fact been deposited as of yesterday.

8. After hearing the submissions of the parties, there appears to be a clear lapse by the School in not accessing their e-mails during this entire period

and not complying with the order passed by this Court. However, since the Principal has suffered a personal tragedy, the contempt against the

Principal and the Chairman is discharged. Further considering that the Petitioners were forced to litigate, initially by filing a writ petition and thereafter

a contempt petition, the School shall waive one month's tuition fee of the Petitioners.

9. If the students have missed any examinations or class tests, etc. the School shall make appropriate arrangements for the students to take re-

examinations or re-tests so that they do not suffer in any manner. All the course material as supplied to other students shall also be supplied to the

Petitioners within a period of one week.

10. The contempt petition is disposed of with the above directions. All pending applications are also disposed of.