

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 8331 OF 2020

Between:

1. Balaji Chivukula S/o C V V Ramana,
Parent of Angaj Chivukula-8D,
Residing at 502, Le Grand Apartments,
10-2-133/134, St No 6, Lane NO 2,
West Marredpally, Secunderbad 500026.
2. Saket Kumar Singh S/o Parshuram Singh,
Parent of Devanshi Singh-2D,
Residing at Plot 43, AP Textbook Colony,
Secunderabad, 500003
3. Mridhu Swetha W/o Sandeep Kiran Mekala.
Parent of Daksh Mekala-4B,
Residing at Plot no. 51, Sancharpuri Colony,
Phase 2, New Bowenpally, Secunderabad.
4. Subrat Dash S/o AN Dash,
Parent of Prachi Dash-4A,
Residing at Flat No 620, Block 4,
Manasarovar Heights Phase 3,
Tirumalgiri, Secunderabad - 500009
5. Sanjay Kotgire S/o Virbhadra,
Parent of KotgireVedapriyaDarshini- 6C,
Residing at 201, 7 hills Ambience,
Seethaphalmandi, Secunderabad
6. P Sreenivasa Rao S/o P Eshwariah,
Parent of P Dhanvin- 3B,
Residing at 12-10-587/23/G1,
VarshithyNivas Apt, Medibavi,
Seethapalmandi, Secunderabad, 500061
7. P Sreenivasa Rao S/o P Eshwariah,
Parent of P Lineysha- 4E,
Residing at 12-10-587/23/G1,
Varshlthy Nivas Apt, Medibavi,
Seethapalmandi, Secunderabad, 500061
8. Ramaneesh Bandari S/o B Venkatesh,
Parent of Tanvi Bandari-1B,
Residing at Plot No 63,
First Floor, Kiran Enclave,
Road No 2, Sikh Road,
Diamond Point, Secunderabad 500009

9. Ranjith A R S/o Ravi K K,
Parent of Ryan Ranjith-6C,
Residing at Flat No 103,
Janapriya Pramila Enclave, Kundanbagh,
Begumpet, Hyderabad
10. Deepa Alok W/o Alok Sinha,
Parent of Tanishq Alok-9D,
Residing at Shreemukh Kontham Towers,
103, Begumpet Rly Station,
Brahmanwadi -500016
11. Aditi Parekh W/o Piyush Parekh,
Parent of Diya Parekh-6F,
Residing at 1-10-98/44,
Dwarkadas Cooperative Society,
Begumpet, Hyderabad
12. Sheetal Radia W/o Gaurav Radia,
Parent of Devyaansh Gaurav Radia-1A,
Residing at Flat no 304, C Block,
Welkin Park, Prakash Nagar,
Begumpet, Secunderabad.
13. G Surya Laxmi W/o J Venkatram Reddy,
Parent of G Varun Reddy-9D,
Residing at Flat No 201, 1-11-219/1/1A,
Royal Homes Apartment, Street No 4,
Gurumurthy Lane, Begumpet, Hyderabad, 500016
14. S Srilaxmi W/o S Srinivas,
Parent of S Rishika- 7E,
Residing at 1-8-288, Sindhi Colony,
PG Road, Paradise, Secunderabad
15. VanishreeKataram W/o Late K.Raju,
Parent of Priyanka Raj-6E,
Residing at H.No 2-3-531/16, Flat #17,
Dv Colony, Minister Road, Secunderabad.
16. S M Pradeep Kumar, S/o S Mohan
Parent of Srinika Shakelly-5D,
Residing at Plot #B-30, Indian Airlines Colony,
SP Road, Begumpet, Secunderabad - 500013
17. Soumya Shakelly W/o Pradeep Shakelly,
Parent of Akshit Shakelly-1 A,
Residing at Plot #B-30, Indian Airlines Colony,
SP Road, Begumpet, Secunderabad - 500013
18. Naveen Vankar S/o Ramchandram,
Parent of Reyansh Raj Vankar-3A,
Residing at Plot No 33, Old Vasavi Nagar,
Kharkhana, Secunderabad, 500015
19. Bhabanish Acharya, S/o Dr Krishna Chandra Acharya,
Parent of Aarav Acharya-2A,
Residing at Flat No B 66, VedVihar,

AWHO Colony, Dairy Farm Road,
Tirumalgiri, Secunderabad, 500015

20. Surabhi Mehrotra w/o Manoj Kumar K,
Parent of Akshat Mehrotra-2B,
Residing at Flat No E164, AWHO Ved Vihar,
Dairy Farm Road, Tirumalgiri,
Secunderabad, 500015.
21. Amanpreet Singh Bagga S/o Balwanth Singh Bagga,
Parent of Guransh Singh Bagga-1F,
Residing at VasaviGande Vistas,
Flat No 412, Kanajiguda,
Secunderabad, 500015
22. T Sushmitha W/o T Krishna Kumar,
Parent of Tirumalla Pranav-9A,
Residing at Plot No 17 Icrisat Colony ,
Centre Point, Old Bowenpally,
Secunderbad 500011.
23. T Sushmitha W/o T Krishna Kumar,
Parent of Tirumalla Pranav-5A,
Residing at Plot No 17 Icrisat Colony ,
Centre Point, Old Bowenpally,
Secunderbad 500011.
24. A Bhuvanewar Reddy S/o Bheem Reddy,
Parent of A Shrinik Sai Reddy-6F,
Residing at Flat No 405, G Block,
Beema Pride Apartments,
Petbasheerbagh, Hyderabad, 500067
25. A.Praneeth Reddy S/o Mahipal Reddy,
Parent of A .Saharsh Reddy-3D,
Residing at Flat 301 Dara Prestige,
Petbasheerbad, High Tension Road, Kompally
26. Krishna Mohan Muktha S/o M Raju,
Parent of Saanvisha Muktha-4C,
Residing at Street No 8, Himayatnagar, Hyderabad
27. Krishna Mohan Muktha, S/o M Raju,
Parent of MayukaMuktha-1A,
Residing at Street No 8, Himayatnagar, Hyderabad
28. Kiran Yellampalli, S/o Y Mangapathi Rao
Parent of Dhriti Yellampalli-5A,
Residing at G304, Jal Vayu Towers,
Lower Tankbund, Kavadiguda,
Hyderabad, 500080
29. Kiran Yellampalli, S/o Y Mangapathi Rao
Parent of VrithiYellampalli-2D,
Residing at G304, Jal Vayu Towers,
Lower Tankbund, Kavadiguda,
Hyderabad, 500080

30. Marreddy Ramana Reddy S/o Late M Ramakrishna Reddy
Parent of M Jaisurya Reddy-6D,
Residing at 302, 3rd floor, pleasant Homes,
Gayatri Nagar, Suchitra Hyd- 500067
31. Annapurna Reddy, W/o Marreddy Ramana Reddy
Parent of M Aditya Reddy-2D,
Residing at 302, 3rd floor, pleasant Homes,
Gayatri Nagar, Suchitra Hyd- 500067
32. Jyothi Gannu, W/o G Venu Manohar,
Parent of G Amrutha-4B,
Residing at 3rd flr, Gannu's pride,
H No 6-1-148 / 125 & 126,
above Ambika Kirana Shop Sai Nagar,
Balanagar Hyderabad 500042
33. Gaurav Atrey, S/o S K Atrey,
Parent of Avishkaa Atrey-6B,
Residing at Eden B lodha Casa Paradiso,
Sanathnagar, Hyderabad
34. B Raja Srinivas, S/o B Lingamaiah
Parent of B Aashritha-7C,
Residing at Plot No 90, Lane No 4,
Jawahar Rail Colony, Bowenpally,
Secunderabad
35. Imran Ali S/o Mansoor Ali,
Parent of Hiya Fatima-4A,
Residing at Flat 103, Madhukeerthi Apartments,
Next to Bata showroom lane,
New Bowenpally, Secunderabad, 500011
36. Hanumanth Rao Malchetty, S/o M Ramulu
Parent of Pratik Malchetty-7A,
Residing at Plot No 383, Chetana Housing Colony,
Old Alwal, Secunderabad, 500010
37. A Mounica, W/o A. Srinivas,
Parent of Hasvi-4F,
Residing at Plot No 19, Ayyappa Society Chinnathokatta,
New Bowenpally, Secunderabad
38. A Srinivas S/o A Kasahiah,
Parent of Aayush-4F,
Residing at Plot No 19, Ayyappa Society Chinnathokatta,
New Bowenpally, Secunderabad
39. Praveen Kumar Chowdary S/o Shivaprasad Chowdary,
Parent of Yashika Chowdary-3B,
Residing at Caesar Palace, Flat no 403,
Plot no.8, LIC colony,
West Marredpally, Secunderabad
40. Keerithka W/o Kontham Sirish,
Parent of Kontham Vishrudh-10B,
Residing at H.No.6/2, Sai Ram Nagar Colony,
Near Checkpost, West Marredpally, Secunderabad.

41. Kontham Sirish S/o K Chandrashekar,
Parent of Kontham Kanishka-4F,
Residing at H.No.6/2,Sai Ram Nagar Colony,
Near Checkpost, West Marredpally, Secunderabad.
42. Kushal Kailas, S/o Chandu K
Parent of Vanshika K- 3A,
Residing at Flat No 304, Adithya Arcade Apt,
Picket Road, West Marredpally, Secunderabad
43. Monika Kailas, W/o. Kushal Kailas,
Parent of Vihaan K- 3A,
Residing at Flat No 304, Adithya Arcade Apt,
Picket Road, West Marredpally, Secunderabad
44. Krishna Chaitanya Kompella, S/o Hanumantha Rao K
Parent of Indira Krishna-4F,
Residing at 65, BHEL Enclave, Akbar Road,
Bowenpally, Secunderabad, 500009
45. Padmaja Yagnavajhala W/o Krishna Chaitanya Kompella,
Parent of Shloka-1C,
Residing at 65, BHEL Enclave, Akbar Road,
Bowenpally, Secunderabad, 500009
46. Chiranjeevi Katraj, S/o Yadaiah Katraj
Parent of Virat Katraj-3E,
Residing at Flat No 402,
Brahmarambha Apartments,
SR Nagar, Hyderabad, 500038
47. P Sudeeptha Mohan W/o P Chetan Mohan,
Parent of Mayukh Puppala-4F,
Residing at 1-1-687/1/4, New Bakaram,
Behind Canara Bank , Gandhi Nagar, 500080
48. Amit Kumar, S/o Suman Kumar
Parent of Akshara Srivastava-6A,
Residing at Flat No 403, Priya Arcade Apartment,
8-3-826, Yellareddyguda, Srinagar Colony,
Hyderabad, 500073
49. Pallavi Pankaj, W/o. Amit Kumar,
Parent of AdyaSrivastava-Prep C,
Residing at Flat No.403, Priya Arcade Apartment,
8-3-826, Yellareddyguda, Srinagar Colony,
Hyderabad, 500073
50. Ramesh Pandrinki S/o Late Appa Rao,
Parent of Ishaan Pandrinki-4E,
Residing at 1-11-197/1, flat no102,
Trident Sai Ashray, Shyamlal building,
Begumpet, Hyd 500016
51. Sandeep Prasad Koppula S/o K Narasing Rao,
Parent of Yuvith Koppula-4E,
Residing at 9-5-32/9, Pragathi Colony,
Manovikas Nagar, Oppst NIMH,
Hasmathpet, Old Bowenpally,Secunderabad.

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52. Sandeep Karampuri S/o Sandeep Karampuri,
Parent of Shashwith Karampuri-4A,
Residing at 41/A, Chandulal Bowli,
Sikh Village, Secunderabad - 500009
53. Damera Vamshi Ramana S/o Damera Ravinder
Parent of Damera Viraj-2E,
Residing at Plot No 7, Tadbund,
Secunderabad 500011
54. Niranjan Kumar Mishra S/o K N Mishra,
Parent of Vaishnavi Kumari-4C,
Residing at Flat No 427, Block 2,
Manasarovar Heights Phase 3, RTC Colony,
Tirumalgiri, Secunderabad - 500015
55. Gudiya Mishra W/o Niranjan Kumar Mishra,
Parent of Kartik N Mishra-2E,
Residing at Flat No 427, Block 2,
Manasarovar Heights Phase 3, RTC Colony,
Tirumalgiri, Secunderabad - 500015
56. S Rajashekar S/o S Prakash,
Parent of S Pranav-4B,
Residing at Plot No 13, SAIL Colony,
Bowenpally, Secunderabad
57. MadhaviLathaKotha W/o K Vijaya Kumar,
Parent of Kireeti Kotha-8C,
Residing at flat 528,
the landmark Apts, Rajarajeswari Ngr,
Old Kapra, Hyderabad 500062
58. Col. V J Balasubramaniam, S/o Late V V Jayaraman,
Parent of Raghav C-5C,
Residing at AWHO Colony, VedVihar,
Tirumalgiri, Secunderabad
59. Rupali Bhavin Parikh,
W/o Bhavin Shah,
Parent of Palash Bhavin Parikh - 6 B,
1-10-98/44, Dwarkadas Coop Society,
Begumpet - Hyderabad
60. Rupali Bhavin Parikh,
W/o Bhavin Shah,
Parent of Niyati Bhavin Parikh - 3 E,
1-10-98/44, Dwarkadas Coop Society,
Begumpet - Hyderabad
61. Suresh Gandu S/o G Malliah,
Parent of G Akshaj - 2 A
H.No.2-2-185/90/B/6,
Mallikarjun Nagar, Amberpet
Hyderabad - 500013.

...Petitioners



AND

1. State of Telangana, Represented by Principle Secretary, School Education Department, Secretariat, Hyderabad.
2. Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi - 110 092
3. Delhi Public School, Represented by its Principal, Diamond Point, Sikh Village, Secunderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of mandamus or any other writ directing the Respondent No. 1 to take action against the Respondent No.3 in not following the GO Rt No. 46 dated 21.04.2020 issued by the Respondent No. 1 directing all the schools not to increase any kind of fees during academic year 2020-21 and shall charge only "TUITION FEE" on monthly basis till further orders as arbitrary, illegal, and also violating Article 21-A of the Indian Constitution and against the principles of natural justice and the inaction in not taking corrective and punitive action for collecting Capitation fee as not only being arbitrary illegal unjust but contrary to the Prohibition of Capitation Fees Act, 1987;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent No. 3 to collect only Rs.26,160/- for students in primary class i.e. Prep and Nursery; Rs.28,703/- for students in Middle Class i.e. 1st Class to 5th Class and Rs. 31,246/- for students in Secondary Class i.e. 6th Class to 10th Class on monthly basis for the academic year 2020 – 2021 in terms of GO Rt No. 46 dated 21.04.2020 issued by the Respondent No. 1, pending disposal of WP 8331 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent Nos. 2 and 3 to place the record of the tuition fees collected by the Respondent No.3 previous year, pending disposal of WP 8331 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Mayur Mundra Advocate for the Petitioners and GP for School Education, for the respondent No. 1 & 2, the Court made the following.

ORDER:

"The second respondent-CBSE has filed a Memo stating that the 3rd respondent has furnished details to it, wherein it is stated that the 3rd respondent is charging tuition fee of Rs.85,000/- in respect of primary school children and Rs.94,000/- in respect of middle school children, and Rs.1,02,000/- in respect of secondary school children.

In view of the same, this Court is of the considered view that the interim order granted by this Court on 17.6.2020 is modified, directing the petitioners to pay 50% of the tuition fee i.e., 85,000/- in respect of primary school children, Rs.94,000/- in respect of middle school children and Rs.1,02,000/- in respect of secondary school children, within a period of one week from today. It is needless to say that the 3rd respondent shall declare the results of the students and also permit the students to attend the classes for the next academic year.

Post the Writ Petition for hearing in the month of June, 2021."

//TRUE COPY//

ASD
SD/- B.SATHYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principle Secretary, School Education Department, State of Telangana, Secretariat, Hyderabad.
2. Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi - 110 092
3. The Principal, Delhi Public School, Diamond Point, Sikh Village, Secunderabad.
(Addressees 1 to 3 by RPAD)
4. One CC to Sri Mayur Mundra Advocate [OPUC]
5. Two CC to GP for School Education, High Court at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

AKSJ

DATED:06/04/2021

NOTE: POST FOR HEARING IN THE MONTH OF JUNE, 2021.

ORDER

WP.No.8331 of 2020

DIRECTION

