

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No.2426 of 2020**

Jharkhand Un-aided Private Schools Association through its President  
Abhay Kumar Mishra ..... Petitioner

Versus

Union of India through the Secretary, Department of School Education &  
Literacy, Ministry of Human Resources Development, New Delhi & Ors.  
.... Respondents

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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner : Mr. Ajit Kumar, Sr. Advocate  
Ms. Aprajita Bhardwaj, Advocate  
For the Respondent-State : Mr. Mohan Kr. Dubey, A.C. to A.G.  
For the Respondent-J.A.C. : Mrs. Richa Sanchita, Advocate  
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11/06.09.2021 The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for quashing the letter as contained in memo no.1006 dated 25<sup>th</sup> June, 2020 (Annexure-2 to the writ petition), whereby the Special Secretary-cum-Director, Directorate of Secondary Education, Department of School Education & Literacy, Government of Jharkhand – the respondent no.4 has issued the impugned notification containing various stringent regulations/executive instructions affecting the management of the petitioner's members, private un-aided schools and their students. Further prayer has been made for declaring the notification/letter as contained in memo no.1006 dated 25<sup>th</sup> June, 2020 as illegal, since there is no existing law in the State of Jharkhand, whereby invoking Disaster Management Act and Rules, 2005, the said notification can be issued for determining the manner of collection of tuition fee and other allied expenses which is completely an interference in the internal administration of un-aided private schools.

Reference may be made to order dated 24<sup>th</sup> August, 2021, wherein the submission of Mr. Rajiv Ranjan, learned Advocate General has been recorded that a writ petition being W.P.(P.I.L.) No.1453 of 2020 having similar issue is also pending before the learned Division Bench of this Court.

Today the copies of the aforesaid writ petition as well as I.A. No.4403 of 2021 filed by the present petitioner seeking intervention in the said P.I.L. have been transmitted to this Court by learned A.C. to A.G. through e-mail.

Under the said circumstance, Mr. Ajit Kumar, learned senior counsel for the petitioner as well as Mr. Mohan Kumar Dubey, learned A.C. to A.G. appearing on behalf of the respondent nos.1 to 5, jointly submit that the present writ petition may also be referred to the learned Division Bench No.I to be taken up along with W.P.(P.I.L.) No.1453 of 2020.

In view of the aforesaid submission, let the present writ petition be referred to learned Division Bench No.I of this Court to be taken up along with W.P.(P.I.L.) No.1453 of 2020, so that the issue raised in both the writ petitions may simultaneously be considered by the learned Division.

**(Rajesh Shankar, J.)**

*Rohit*