

'STATES CANNOT IMPINGE ON AUTONOMY OF PVT. SCHOOLS'

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Supreme Court on Monday held that the States cannot impinge on the autonomy of private unaided schools to fix and collect 'just' and 'permissible' school fees from parents, especially in the name of the pandemic.

"It is one thing to say the State may regulate the fee structure of private unaided schools to ensure that the school management does not indulge in profiteering and commercialisation, but in the guise of exercise of that power, it cannot transcend the line of regulation and impinge upon the autonomy of the school to fix and collect 'just' and 'permissible' school fees from its students," a Bench of Justices A.M. Khanwilkar and Dinesh Maheshwari said in a 128-page judgement.

The judgment, which would help schools retain their autonomy in deciding fee structure, came on the basis of a series of appeals filed by private unaided schools in Rajasthan against State notifications to defer collection of fees, including reduction limited to 70% of tuition fees by schools affiliated to the Central Board of Secondary Education and 60% from the schools affiliated to the Rajasthan Board of Secondary Education, in view of the reduction of syllabus due to the aftermath of the pandemic from March 2020.

The judgment concerns around 36,000 private unaided schools, including 220 minority private unaided schools.

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