

BEFORE THE HON'BLE HIGH COURT OF KARNATAKA, AT BENGALURU
ORIGINAL JURISDICTION

W.P No. _____/ 2020 (PIL)

BETWEEN:



...Petitioners

AND

State of Karnataka and ors.

... Respondents

SYNOPSIS

The Petitioners, being parents of students studying in Classes 1 to 5 in the State, are constrained to approach this Hon'ble Court, being aggrieved by the arbitrary actions of the Respondents in prohibiting online education for students up till Class 05 by way of a notice dated 11 June 2020 ('**Impugned Notice**'), without providing any reasonable basis for doing so, without any application of mind, without consultation with all stakeholders, and without provision for a substitute means of education for students of these classes in the interim, thereby bringing a complete stop to the education of these students. The Respondents had also begun implementing the said announcement through telephone calls made from the office of the Respondent No. 3 and directed schools to immediately cease all online classes for these students even before the publication of the notice.

The Petitioners submit that the actions of the Respondents are entirely without jurisdiction or any authority in law, as they amount to a complete cessation of education for students of these classes. As a result of the Respondents' arbitrary actions, students up till Class 5 are left with no means of access to education in

the midst of the ongoing pandemic caused by the spread of COVID-19 on account of which no physical classes can be conducted.

The Petitioners submit that the actions of the Respondents are manifestly arbitrary and are in violation of the fundamental right of students to education and the rights of other stakeholders of the education system. Thus, the Petitioners are constrained to approach this Hon'ble Court for appropriate reliefs by way of the instant petition in public interest.

Date	Particulars
13 March 2020	In an effort to contain the spread of COVID-19, the Respondent No. 1 State had issued a notification under the Epidemic Diseases Act, 1897, <i>inter alia</i> , directing closure of all schools within the State of Karnataka.
26 March 2020	The Respondent No. 2 had issued a circular stating that in view of the national lockdown in force on account of the spread of COVID-19, no further steps were to be taken with respect to admissions to schools.
15 April 2020	The Ministry of Home Affairs issued an Order under the Disaster Management Act, 2005, <i>inter alia</i> , directing that though educational institutions were to remain closed, they were expected to maintain the academic schedule by way of online teaching.
17 April 2020	The Respondent No. 2 issued a circular to clarify that while online classes are being permitted, fees cannot be collected

	(even for online classes) until further orders from the Department.
24 April 2020	The Respondent No. 2 issued a circular, permitting schools to collect fees by way of voluntary payment.
April – June 2020	In view of the above circulars and orders, and on account of the continued closure of schools, schools were providing online classes to continue imparting their curriculum to students in an effort to maintain the educational development of students of all ages, even amidst the ongoing pandemic.
01 June 2020	The Respondent No. 2 issued a circular, setting 01 July 2020 as the tentative date for re-opening of schools, and permitting schools to begin the admission process from 08 June 2020. The circular also directed private unaided schools to gather suggestions from parents and stakeholders by opening their institute on 05 June 2020, regarding measures of safety to be implemented in schools upon re-opening. The Circular further directed the schools to meet again from 10 June 2020 to 12 June 2020 and collect opinions about reopening of schools, which was to be uploaded by June 15 on the SATS (Student Achievement Tracking System)
10 June 2020	In a press conference, the Respondent No. 1 made an announcement to the public at large that it had decided to immediately ban online classes for children up till Class 5,

	<p>stating that it had formed a committee of experts that would issue guidelines on how to engage students and increase their knowledge. However, no timelines were prescribed for the release of these guidelines and there was no proposal for the consultation of stakeholders.</p> <p>On the basis of this announcement at a press conference and without awaiting any official order or notification to this effect, the Respondent No. 3 orally instructed all schools to immediately cease all online classes up till Class 5. The Petitioners received communication that their ward's school was ceasing online classes immediately in view of the Impugned Announcement.</p>
11 June 2020	<p>After the Respondent No. 3 had already implemented the announcement, the Respondent No. 1 published the Impugned Notice directing that all schools (including private unaided schools) cannot provide online education for students up till Class 05, and if they are doing so to immediately cease such online classes. It is submitted that the Impugned Notice does not provide for any alternative means of providing education to these students, but merely refers to the constitution of a committee of experts who are to issue guidelines for the incorporation of media and technology for the education of these students within ten</p>

	days which would then be considered by the Respondent No. 1.
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In the circumstances, left with no other recourse in the matter, the Petitioners are constrained to approach this Hon'ble Court for reliefs, under Article 226 of the Constitution of India, 1950, *inter alia*, on the following grounds as more fully set out in the petition herein.

- The actions of the Respondents in hastily issuing the Impugned Notice, without any clarity, without providing any reasons for doing so, without providing any alternate method of imparting education, and without awaiting the results of meetings with all stakeholders, are entirely capricious, manifestly arbitrary and without of any application of mind.
- The Impugned Notice has been issued without any invoking any authority in law, and without reference to any statute or provision. The Impugned Notice, which is essentially minutes of a meeting, contains directions and is being implemented as if it were an official order which is entirely unknown to law, and is blatantly illegal.
- The Impugned Notice is manifestly arbitrary and is devoid of any reasoning for the drastic step of imposing a blanket ban on online education for nearly half of the school student population across the State, when such online education is currently the only means of education available to these students in view of the continued rapid spread of COVID-19 making physical classes impossible.
- As a direct result of Impugned Notice, the education of students (including the wards of the Petitioners) of these ages has been brought to a grinding

and indeterminate halt, as the Impugned Notice fails to provide any timeline for resumption of classes for these students or any alternative means of education.

- The Impugned Notice has been issued without any basis or reasoning, in complete ignorance of the fact that schools, teachers, parents, and students have all invested significant time, energy, resources and efforts to seamlessly adapt to the new medium of online education in order to ensure a seamless continuity in the education of children despite the numerous difficulties caused by the ongoing pandemic.
- The Impugned Notice only bans schools from providing online education, while permitting every other individual and entity to provide online classes and educational resources, thus being discriminatory and devoid of any reasoning.

Place: Bengaluru
Date: 15.06.2020

Advocate for the Petitioner
Pradeep Nayak
KAR/3194-A/2003

Address for Service:
M/s Keystone Partners
2nd Floor, 35/2 Cunningham Road
Bengaluru – 560 052

BEFORE THE HON'BLE HIGH COURT OF KARNATAKA, AT BENGALURU

ORIGINAL JURISDICTION

W.P No. _____ / 2020 (PIL)

BETWEEN:

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AND

1. **State of Karnataka**

Through its Department of Primary and Secondary Education
Vikasa Soudha,
Bengaluru – 560 001
Through the Principal Secretary

... Respondent No. 1

2. **The Commissioner,
Department of Public Instruction
Nrupathunga Road,
Bengaluru – 560 001**

... Respondent No. 2

**MEMORANDUM OF WRIT PETITION FILED UNDER ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA, 1950**

The Petitioners above-named most respectfully submit as under:

1. The address of the Petitioners above-named for the purposes of service of summons, notice and process etc. is as stated in the cause-title above. In addition, the Petitioner may be served in connection with these proceedings at the offices of their advocates, M/s. Keystone Partners, Advocates & Solicitors, having their offices at 2nd Floor, 35/2 Cunningham Road, Bengaluru – 560 052. The addresses of the Respondents for the aforementioned purpose are as stated in the cause-title above.
2. The Petitioners are parents of students aged between 4 and 10 years, all studying in various schools across Bengaluru.
3. The Respondent No. 1, through its Department of Primary and Secondary Education, along with the Respondent No. 2 are the authorities of the State Government responsible for education in the state of Karnataka.
4. The Petitioners are constrained to file the present petition, being aggrieved by the arbitrary actions of the Respondents in hastily issuing a notice dated 11 June 2020 (**'Impugned Notice'**) banning all online classes for students up till Class 5 until the Respondent No. 1 considers guidelines to be submitted by the expert committee, without awaiting the outcome of ongoing consultations with all stakeholders, and without providing any alternate modes of imparting education in the interim, as a direct result of

which the education of students of these ages and been brought to a grinding and indeterminate halt.

5. It is submitted that the Respondents have also begun implementation of the Impugned Notice even before its' publication through the various Block Education Officers, bringing online classes to a complete halt before any official order. It is submitted that the Impugned Notice has been issued without invoking any power in law and without any authority in law whatsoever. A true copy of the Impugned Notice issued by the Respondent No. 1 dated 11 June 2020, along with a true translation thereof, is produced herewith at **Annexure A**. It appears that this document that is titled as a notice issued by the Respondents, is in fact, a document recording the minutes of a meeting conducted by the office of the Minister for Primary and Secondary Education and Sakala, but contains directions and is being implemented as a formal order.
6. It is submitted that the Impugned Notice affects not only the Petitioners and their children, but also all children in this age group attending classes up to Class 05 and their parents and guardians in the State of Karnataka, and therefore, this Writ Petition concerns a matter of substantial public interest. It is submitted that the present Writ Petition has been filed by the Petitioner with the sole intent to redress genuine public concerns, in light of the serious consequences of the Impugned Notice in the State of Karnataka. The Petitioner only seeks to bring to the attention of this Hon'ble Court the Respondents' arbitrary actions that are violative of

fundamental rights. This Petition has therefore been preferred by way of a Public Interest Litigation.

Facts in brief

7. On 30 January 2020, the World Health Organisation had declared the outbreak of COVID-19 as a global health emergency. Subsequently, in an effort to control the spread of COVID-19 within the State of Karnataka, the Respondent No. 1 had issued a notification dated 13 March 2020, exercising its powers under the Epidemic Diseases Act, 1897, *inter alia*, directing closure of all schools within the State of Karnataka. A true copy of the notification dated 13 March 2020 issued by the Respondent No. 1 is produced herewith at **Annexure B**.
8. The Respondent No. 2, being the educational authority in the State, issued several circulars with respect to the functioning of schools in light of the ongoing pandemic. On 26 March 2020, the Respondent No. 2 had issued a circular stating that in view of the national lockdown in force on account of the spread of COVID-19, no further steps were to be taken by schools with respect to the admission process. A true copy of the circular dated 26 March 2020, along with a true translated copy is produced herewith at **Annexure C**.
9. Subsequently, upon the extension of the nationwide lockdown, the Ministry of Home Affairs issued revised consolidated guidelines of measures to be taken by the State Governments, by way of its order dated 15 April 2020, a true copy of which is produced herewith at **Annexure D**. In this order, the Ministry of Home Affairs directed that online teaching

ought to be encouraged, and further directed that though educational institutions were to remain closed, they were expected to maintain the academic schedule by way of online teaching.

10. The Respondent No. 2 also issued a circular dated 17 April 2020, stating that while online classes are being permitted to be conducted, schools cannot collect fees (including for online classes) until further orders from the Respondent No. 2. A true copy of the circular dated 17 April 2020 issued by the Respondent No. 2, along with a true translation, is produced herewith at **Annexure E**. Thereafter, by way of a circular dated 28 April 2020, the Respondent No. 2 permitted schools to collect fees by way of voluntary payment, without making such payment mandatory for all students. A true copy of the circular dated 24 April 2020 issued by the Respondent No. 2, along with a true translation, is produced herewith at **Annexure F**.
11. In view of the express circulars and orders directing that online education be encouraged, schools across the State started implementing measures and undertaking efforts to continue to seamlessly impart education to students through online methods such as virtual classes, instructional videos, etc. This ensured that the development of children of all ages continued uninhibited despite the ongoing pandemic which made it impossible to conduct physical classes.
12. Pursuant to these circulars, schools developed and modified their curriculum to suit the new medium of teaching, teachers invested time, effort, and energy into adopting new methods and teaching skills to ensure

a seamless continuity in the education of students despite the change in the medium of education. Moreover, parents and students themselves made efforts to adapt to online education by spending time and effort in resources and habits.

13. When the national lockdown was relaxed recently, the Respondent No. 2 issued another circular dated 01 June 2020, proposing options on the proposed reopening on schools, and seeking opinions from all stakeholders towards this end. A true copy of the circular dated 01 June 2020 issued by the Respondent No. 2, along with a true translation, is produced herewith at **Annexure G**. By way of this circular the Respondent No. 2 proposed 01 July 2020 as a tentative date for reopening of schools and stated that schools could start the admission process from 08 June 2020. The Circular also proposed various methods by which safety measures could be implemented in schools upon reopening. The Respondent No. 2 also directed schools to gather opinions from parents and all stakeholders regarding the proposed reopening and safety measures on 05 June 2020, and to meet again from 10 June 2020 to 12 June 2020 and collect opinions regarding the reopening of schools, which were to be uploaded in the given format by 15 June 2020. However, in view of the rapidly increasing number of COVID-19 cases in the country, it has become increasingly likely that it would be impossible to resume physical education in schools in the near future, and that online teaching would remain the only option for continuing the education and development of children for the near future.

14. In this context, when schools were in the process of gathering opinions from all stakeholders, the Respondent No. 2 suddenly announced at a press conference held on 10 June 2020 that the Respondents had decided to ban all online classes for students up till Class 5. Despite their being no formal order published, the Respondents through the various Block Education Officers began to immediately implement this announcement within a few hours of the press conference, on 10 June 2020 itself. The Block Education Officers contacted schools in the State on 10 June 2020 itself and directed them to immediately cease holding of all online classes up till Class 5, threatening to take strict action against the school if the announcement was not complied with.
15. After the Respondents had already implemented the announcement, the Respondent No. 1 issued a notice dated 11 June 2020 (**'Impugned Notice'**) directing that all schools (including private unaided schools and schools affiliated to CBSE and ICSE) cannot provide online education for students up till Class 05, and if they are doing so to immediately cease such online classes. It is submitted that the Impugned Notice does not provide for any alternative means of providing education to these students, but merely refers to the constitution of a committee of experts who are to issue guidelines for the incorporation of media and technology for the education of these students which would then be considered by the Respondent No. 1.
16. It is submitted that the Impugned Notice also fails to provide any alternative methods of imparting education to the students of these

classes by means other than online classes in the interim. In the absence of such alternatives, and in the absence of any time period within which guidelines would be approved and notified, the Impugned Announcement amounts to a complete halt of the education of these students altogether with no certainty on the resumption of their education.

17. The timing of the Impugned Notice is also arbitrary and contradictory to the Respondents own circulars, as the same was issued when the Respondents had previously directed schools to consult stakeholders and gather suggestions for the physical re-opening of schools and the said process was ongoing. Therefore, on account of the continued spread of COVID-19 and without any decision on the re-opening of schools, the Impugned Announcement effectively amounts to a complete standstill of the education of these students for an undetermined period, which is bound to have a serious effect on the development of these students.
18. It is submitted that Impugned Notice fails to invoke any statutory power or authority in the Respondent No. 1 to enable it to issue such a notice. It is submitted that while the Respondent No. 2 is the competent authority under the Karnataka Education Act, 1983 ('KEA'), the KEA only empowers the Respondent No. 2 to regulate education in the State and not to bring it to a complete halt altogether. It is thus submitted that the Impugned Notice has been issued arbitrarily, without any authority in law.
19. It is further submitted that the Impugned Notice is also conspicuously silent on the reasons and grounds on which this decision has been made. The absence of any reasoning in the Impugned Notice makes it clear that

the same has been issued without any application of mind and is manifestly arbitrary, capricious, and devoid of any reason. There is no information available to the public as to which authority has passed this order, or under what power, or even the reasons on the basis of which the order has been passed.

20. As a result, the only information available to the public on the reasoning for the Impugned Notice are what can be gathered from varying news reports (produced at Annexure G). Some news reports indicate that the Impugned Notice was made on the ground that online classes do not substitute classroom teaching. While this may be true, the stoppage of classes or education of any kind altogether can hardly be a logical solution.
21. Other news reports indicate that the Impugned Announcement was made after experts reported that children of these ages would be impacted by excessive screen time on a daily basis. Firstly, there is no information forthcoming from the Respondents as to what questions these experts were consulted, or what the recommendations of these experts were. If indeed the worry of the Respondents based on expert reports were excessive screen time being spent by young children, the priority ought to have been issuing necessary directions to parents to limit non-educational screen time for these children, rather than to prohibit educational screen time altogether. Further, as a result of the Impugned Notice, without any structured education these children are bound to pass their time by watching television shows or other entertaining online media content on screens, defeating the very purpose of avoiding screen time.

22. Instead of a reasonable solution to reduce / limit the number of hours of online classes, the Impugned Announcement has just implemented a blanket 'ban' on online classes, demonstrating complete arbitrariness and the absence of any application of mind. Moreover, the constitution of the committee to frame guidelines for the use of media and technology in the education run in direct contradiction to this reasoning, showing that the Impugned Notice has been issued without any application of mind and is devoid of any logic or reasoning.
23. Some other new reports indicate that the ban is limited to only live online classes and not pre-recorded classes, but no such mention of pre-recorded classes is made in the Impugned Notice. Thus, it is evident that the Impugned Announcement has been made arbitrarily without any application of mind. It is further submitted that for younger students, interactive classes are more vital to their education and development and a pre-recorded class would not enable their progress at the same level as an interactive class. Moreover, pre-recorded classes would also put additional pressure on parents who will be required to learn and develop the skill set of professional educators to be able to help the children learn effectively from pre-recorded videos.
24. The Impugned Notice is therefore extremely vague as it does not define or provide any details as to what exactly would amount to 'online education'. It fails to clarify whether what is being banned are live online classes, or even pre-recorded classes, or even all facets of online education such as downloading / uploading of schoolwork through portals accessed by the

parents. The Impugned Notice also only bans schools from providing online education and remains silent on other third-party entities that provide online classes. There a number of individuals and entities that are not schools who offer extensive classes and courses online, who are not restricted by this order and will continue to do so. The Impugned Notice banning only schools and not all individuals and entities from providing online education is thus discriminatory, unreasonable and manifestly arbitrary.

25. More pertinently, it is submitted that the Impugned Notice refers to the constitution of a committee of expert to frame guidelines within a period of ten days which the Respondent No. 1 will then consider and issue directions. It is submitted that if this expert committee is yet to form its opinions or issue guidelines, it is evident that there is no reasonable basis for the issuance of the Impugned Notice.
26. It is submitted that presently, on account of the continued spread of COVID-19, the only available means of continuing education of these children is by way of online remote teaching as traditional physical school is no longer feasible or safe. By way of the Impugned Notice, if this only available method is also prohibited and no alternative methods are provided, it would lead to a complete halt in education of these children. This will lead to schools and parents pushing harder for the reopening of physical schools so as to enable the education of these children to continue seamlessly without any gaping breaks, which would have wider

repercussions and endanger society at large exposing it to a greater risk of transmission of COVID-19 through school children.

27. Thus, it is evident that the Impugned Announcement has been made arbitrarily, hastily, without any reasoning and without any application of mind whatsoever. The Impugned Announcement amounts to a complete cessation of the education of these students altogether. In the circumstances, the Petitioners are constrained to approach this Hon'ble Court for reliefs, under Article 226 of the Constitution of India, 1950 on the grounds set out herein below, in addition to additional grounds that may be urged at the time of hearing of the petition (for which leave is expressly sought hereby).

Grounds

28. At the outset, the Impugned Notice by the Respondent is manifestly arbitrary and entirely illegal and without any authority in law.
29. The Respondents have failed to make any reference to the statute or provision under which the Impugned Notice has been issued and is being implemented. The Impugned Notice is styled as a 'notice', appears to be minutes of a meeting, but contains directions and is being implemented as if it were an official order. This manner of treating what are essentially minutes of meetings as an official order, without any invocation of any statutory authority is entirely unknown to law, and blatantly illegal.
30. All of these actions of the Respondents are of particular concern as the KEA does not give the Respondents any powers to completely suspend

educational activities across the state. The KEA contemplates actions by the Respondents for the furtherance of education in the state through actions such as regulation of educational institutions (Section 3), promotion of education of weaker sections (Section 5), prescribing curricula (Section 6). and does not empower the Respondents to put a complete halt to education.

31. Further, the KEA, except for certain specifically identified sections, would not be applicable to educational institutions affiliated to or recognized by the Council of Indian School Certificate Examination ('ICSE') or Central Board of Secondary Education ('CBSE'). The only sections applicable to CBSE and ICSE schools (Sections 5A, 48, 112A and 124A) pertain to safety and security of students and fees. Therefore, no power is accorded to the Respondents to abruptly cause a cessation of all educational activities in all schools across the entire State.
32. The Impugned Notice also fails to achieve any possible objective by way the directions contained therein, as the same are entirely vague, arbitrary and without any reasoning.
33. The arbitrariness of the actions of the Respondents is further made evident when one considers circular dated 01 June 2020, Annexure G herewith, issued by the Respondent No. 2, setting 01 July 2020 as the tentative date for re-opening of schools and also permitting schools to begin the admission process from 08 June 2020 onwards. This circular by the Respondent No. 2 contemplates the reopening of schools and clearly recognizes the need for consulting stakeholders (and submission of their

views through SATS (Student Achievement Tracking System) by 15 June 2020) to ascertain the manner and process for such re-opening. However, in a complete about-turn, the Respondents have proceeded to issue the Impugned Notice without any manner of consultation of stakeholders and without even awaiting the outcome of the consultations that would have been held as per the instructions of their own circular dated 01 June 2020. This clearly demonstrates that Impugned Notice was issued arbitrarily without any application of mind.

34. The Impugned Notice has been issued without any basis or reasoning, in complete ignorance of the fact that schools, teachers, parents, and students have all invested significant time, energy, resources and efforts to seamlessly adapt to the new medium of online education in order to ensure a seamless continuity in the education of children despite the numerous difficulties caused by the ongoing pandemic. In the circumstances, the Impugned Notice by imposing a blanket ban on online education that the entire eco-system of education has adapted to, without providing any alternative for continuing education, is bereft of any logic or reasoning and is manifestly arbitrary and capricious.
35. The Impugned Notice also ignores that fact that in view of the rapidly increasing number of COVID-19 cases across the country, the reopening of physical schools is highly unlikely in the near future, and by banning online education without any alternatives, the Respondents have in effect brought a complete and grinding standstill to the education of these students.

36. The Impugned Notice only bans schools from providing online education, while permitting every other individual and entity to provide online classes and educational resources, thus being discriminatory and devoid of any reasoning.
37. In the absence of any reasons accorded in the Impugned Notice itself, it is unclear as to what grounds, if any, the Impugned Notice is based on. As per the news reports of the press conference held by the Respondents, it is indicated that the decision was made on the ground that online classes do not substitute classroom teaching. Other news reports indicate that the decision was made after experts reported that children of these ages would be impacted by excessive screen time on a daily basis. Further, some new reports indicate that the ban is limited to only live online classes and not pre-recorded classes. It is thus clear that the Impugned Notice which does not record any basis or reasons whatsoever, is entirely arbitrary, vague and suffers from a complete lack of application of mind.
38. The Impugned Notice by the Respondent No. 1 is also grossly violative of the fundamental right to education of the Petitioners' children and all such children studying in classes up to Class 5 who now stand deprived of any access whatsoever to education, in any format for an indeterminate period of time. On account of the order dated 13 March 2020 passed by the Respondent No. 1 (Annexure B herewith) all schools were closed, leaving students across the state with only the option of attending online classes. This option has also been taken away through the Impugned

Announcement which is in gross violation of the fundamental right to education of all the students in the state of Karnataka.

39. Further, the issuance of the Impugned Notice without any reasons or grounds, is also a cause for major speculation and uncertainty. Considering the above vague reasons disclosed at the press conference, a reasonable solution would have been to consult educationists, parents/guardians, teachers on the various challenges posed by the online format of classes arrive at a reasonable, workable solution. Instead, by simply implementing a 'blanket ban' through the Impugned Notice, the Respondents have acted in a vague and arbitrary manner, demonstrating their utter lack of regard for the students' education and other stakeholders across the State.

40. In addition to this, the Respondents have also failed to take into account the impact of the Impugned Notice on students across the state of Karnataka. The Impugned Notice was issued overnight, without consultation and without specifying any manner of timeline for such cessation of education, or even the timeline for resumption of education. On account of this, students up till Class 5 are left with no certainty whatsoever on when or whether they will be able to resume educational activities at all. Such abrupt actions of the Respondents with the accompanying uncertainty will have an adverse impact on the mental health of students across the state of Karnataka.

41. The Impugned Notice also violates the right of teachers in Karnataka to carry on any profession or occupation under Article 19(1)(g). Until the implementation of the Impugned Notice, the teachers had been able to

practice their vocation through the online classes that had been commenced after the closure of schools by the Respondent No. 1 (*vide* notification dated 13 March 2020 – Annexure B herein). The Impugned Notice, in one shot, has not only deprived the students of access to any manner of education but has also prevented the teachers across the State from teaching and imparting education, in violation of their rights under Article 19(g). Consequently, all the teachers and staff at schools across the State have also been deprived of income and livelihood.

Grounds for Interim Relief:

42. The Impugned Notice has been made in a manner unknown to law, without invoking any authority in law and without any application of mind. The Impugned Notice does not provide for any alternate method of providing education in the interim until directions or guidelines are issued and amounts to a complete halt in the education of these students, with absolutely no clarity as to the possible date of resumption of their education.
43. As a result of the Impugned Notice, students up till Class 5 are left with no means of access to education in the midst of the ongoing pandemic caused by the spread of COVID-19, and their education has come to a complete standstill altogether, with no resumption in sight, infringing their fundamental right to education.
44. The Impugned Notice, made without any alternative method for imparting education to children of these classes in the interim, will pose a serious threat to the development of these children in the absence of any

structured education at all, and is likely to have a long-term effect on the overall development of these children.

45. The Respondents have failed to mention any time period within which they contend that guidelines formed by the committee for alternative methods of education will be issued. In the absence of such a timeline, students are left with extreme uncertainty on their education which is bound to cause further distress.

LIMITATION / DELAY

46. It is submitted that the Impugned Notice was issued on 11 June 2020, and hence there is no delay in the present petition.

JURISDICTION

47. It is submitted that the Respondents are State Government authorities and are situated in Bengaluru, *i.e.* within the jurisdiction of this Hon'ble Court. Accordingly, it is submitted that this Hon'ble Court has jurisdiction to grant the reliefs sought in the instant petition, under Article 226 of the Constitution of India, 1950.

NO ALTERNATIVE REMEDY / NO OTHER PROCEEDINGS

48. It is submitted that no other alternative efficacious remedy or statutory remedy is available to the Petitioners. The Petitioners therefore submit that this is a fit case for this Hon'ble Court to exercise its jurisdiction under Article 226 of the Constitution of India, 1950.

49. The Petitioners submits that the Petitioners have not preferred any other legal action in relation to any of the matters herein, and nor have they preferred any other Writ Petition on the same cause of action.

COURT FEE

50. The Petitioners have paid a Court Fee of INR. _____ as under the Karnataka Court-Fees and Suits Valuation Act, 1958.

INTERIM PRAYER

Wherefore, in view of the grave urgency in this matter and on the basis of the grounds in support of interim relief raised hereinabove, it is most humbly prayed by the Petitioners herein that this Hon'ble Court be pleased to:

- A. Pass an interim order staying the operation and implementation of the Impugned Notice issued by the Respondent No. 1 dated 11 June 2020 produced at Annexure A, in the interests of justice and equity.
- B. Grant any other interim relief that this Hon'ble Court may deem fit in the interests of justice and equity.

PRAYER

Wherefore, in view of the grounds raised hereinabove, it is most humbly prayed by the Petitioners herein that this Hon'ble Court be pleased to:

- A. Issue a writ of certiorari or any other appropriate writ, quashing the Impugned Notice issued by the Respondent No. 1 dated 11 June 2020, produced at Annexure A;
- B. Issue a writ of certiorari or any other appropriate writ, quashing all actions taken in furtherance of the Impugned Notice issued by the Respondent No. 1 dated 11 June 2020, produced at Annexure A;

C. Pass any other order as this Hon'ble Court may deem fit in the interests of justice and equity.

Place: Bengaluru

Date: 15.06.2020

Advocate for the Petitioners

Pradeep Nayak

KAR/3194-A/2003