

GAHC040001282023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 43/2023

1:Donyi Polo Vidya Bhawan
Represented by Principal DPVB, Shri Arun Kumar Tiwari,
S/o Shri Surendar Tiwari, Principal of Donyi Polo Vidya Bhawan Itanagar, PO/PS
Itanagar, District Papumpare, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar, Arunachal
Pradesh.

2:The Commissioner (Education)
Govt. of Arunachal Pradesh
Itanagar
Arunachal Pradesh.

3:The Director
Elementary School Education cum Chairman APSBE
Itanagar
Opposite Civil Secretariat
PO/PS Itanagar
District Papum Pare
Arunachal Pradesh.

4:The Deputy Director
School Education
(DDSE) Itanagar
Capital Complex
PO/PS Itanagar
District Papum Pare
Arunachal Pradesh

Advocate for the Petitioner : Nikita Danggen

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE SONGKHUPCHUNG SERTO**

ORDER

Date : 01-02-2023

Heard Mr. T. Tatak, learned counsel appearing for the petitioner, Mr. T. Jamoh, learned Standing counsel for Education Department appearing for respondent Nos. 2, 3 and 4, and Ms. P. Sangeeta, learned Government Advocate appearing for respondent No. 1.

The brief facts and circumstances leading to the filing of this writ petition are as follows; the petitioner's school namely Donyi Polo Vidya Bhawan came into existence in the years 1981, offering classes from standard 1 to 12. In due course, the school was affiliated to CBSE. However, when the Government of Arunachal Pradesh vide order No. EED/A/127/2017-18(Pt-I) dated 31.12.2019, directed that the Arunachal Pradesh State Board shall conduct examinations for classes 5 and 8 for all the Government schools including Government Aided/Unaided recognized private schools from session 2019-20, the students of class 5 and 8 of the petitioner's school were also allowed to appear in the examinations. Therefore, the petitioner expected that his school students would be allowed to appear in the forthcoming examinations conducted by the Board. Therefore, in the meanwhile to meet the requirement, he also approached the District Education Office for recognition of his school. But while awaiting recognition of his school, the Government of Arunachal Pradesh, Office of

Deputy Director of School Education, Itanagar issued a list of schools along with the number of students in class 5 and 8 who would be allowed to appear in the Board exam to be conducted for the year 2022-23, and in that, the name of his school did not figure. Therefore, he is here before this Court praying for issuance of appropriate writ or order or direction directing the respondents to allow the students of class 5 and 8 of his school to appear in the ensuing Board examination of 2022-23 which is stated to be commencing from 03.02.2023.

Mr. T. Tatak, learned counsel appearing for the petitioner submitted that the school has already deposited Rs. 54,000/- for the examination fees of the students through Treasury Challan, and the students are eagerly waiting to compete in the Board examination. Therefore, to bar them from appearing the examination at this last stage for the reason that the school has not been recognized by the Government will lead to a lot of disappointment and frustration. The learned counsel also submitted that the application for recognition is already in the Office of the Education Department since it was already submitted along with the requisite documents.

Mr. T. Jamoh, learned Standing counsel submitted that the application for recognition of the petitioner has not reached the competent authority who is supposed to consider and issue the recognition certificate; and since only students of recognized aided/un-aided private schools are allowed to send their students for appearing in the Board examination, the students of the petitioner's school are clearly barred from appearing in the examination. However, since the petitioner's application is stated to have been submitted already and examination fees have been paid, and, taking into consideration the interest of the students, this Court may pass any order or direction appropriate in the case.

Considering the submissions of both the learned counsels and more particularly, the interest of the school children who have been waiting eagerly to appear in the Board examinations, I am of the view that some compassion should be shown to them, after all, the Education Policy is made in their interest and not to destroy them. Therefore, considering all the facts and circumstances, the respondents are directed to allow the class 5 and 8 students of the petitioner's school to appear in the ensuing Board exam. However, in case the petitioner's school is not granted recognition in the coming months, the Department may not allow them to appear in the coming Board exams in the future.

With the above observations and directions, the writ petition is disposed.

JUDGE

Comparing Assistant