

Court No. - 10

Case :- WRIT - C No. - 42254 of 2023

Petitioner :- C/M Dhanpatti Intermediate College Navapura
Lakhraw And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Virendra Nath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Virendra Nath Pandey, learned counsel for the petitioners and Shri Jitendra Singh, learned Additional Chief Standing Counsel for all the respondents.
2. By means of the present writ petition, the order dated 23.03.2023 has been challenged whereby the petitioners-Institution has been debarred from being nominated as an Examination Centre for the lifetime.
3. Learned counsel for the petitioners has referred to an order dated 26.05.2023 passed in Writ C No.18210 of 2023 and submits that under identical circumstances, this Court has disposed off the said writ petition with certain directions.
4. Learned Additional Chief Standing Counsel submits that decision, as directed by this Court in the aforesaid case, shall be taken in the present case on the same lines.
5. Learned counsel for the petitioner contends that the allegations are untrue. It is further contended on behalf of the petitioners that no opportunity of hearing has been provided to any of the aforesaid institutions.
6. Keeping in view the facts of the case post decisional hearing shall serve the interest of justice.
7. In wake of the aforesaid, the matter is remitted to the respondent no. 2- Secretary Secondary Education Board, U.P. Prayagraj to execute the following directions:
 - (a) The respondent no. 2 shall ensure that forthwith appropriate

notices are issued to the institution along with adverse materials and opportunity of hearing is granted to the said institution and fresh order be passed;

(b) In case the controversy is not decided **within a period of 45 days**, it shall be open to the petitioners to approach this Court by filing a fresh writ petition;

(c) In that event the respondent no. 2 shall disclose the non-compliance of the order passed by this Court in the first instance.

8. With the aforesaid direction the writ petition is **disposed off**.

Order Date :- 7.12.2023

Jyotsana