

GAHC010071932024



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

Case No. : WP(C)/1901/2024

SREERAM ACADEMY AND ANR
REP. BY DULAL TALUKDAR , MANAGER SCHOOL MANAGING
COMMITTEE, SREERAM ACADEMY, PATHSALA, CHANDRA NAGAR, WARD
NO-9, HOWLY ROAD, DIST- BAJALI, PIN-781325, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE MINISTRY OF EDUCATION, GOVT. OF INDIA, 122-C, SHASTRI
BHAWAN, NEW DELHI, PIN-110001

2:THE CENTRAL BOARD OF SECONDARY EDUCATION CBSE

REPRESENTED BY THE CHAIRPERSON
2
COMMUNITY CENTRE
SIKSHA KENDRA
CBSE HEADQUARTERS
PREET VIHAR
NEW DELHI-92

3:THE SECRETARY
CENTRAL BOARD OF SECONDARY EDUCATION CBSE
2 COMMUNITY CENTRE
SIKSHA KENDRA
CBSE HEADQUARTERS
PREET VIHAR
NEW DELHI-92

4:THE JOINT SECRETARY
CENTRAL BOARD OF SECONDARY EDUCATION CBSE
2 COMMUNITY CENTRE

SIKSHA KENDRA
CBSE HEADQUARTERS
PREET VIHAR
NEW DELHI-92

5:THE REGIONAL DIRECTOR
CENTRAL BOARD OF SECONDARY EDUCATION CBSE
REGIONAL OFFICER
SHILPAGRAM ROAD
NEAR SHANKARDEV KALAKSHETRA PANJABARI
KAMRUP (M)
ASSAM
PIN-78103

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 05-04-2024

Heard Mr. T.J Mahanta learned senior counsel assisted by Mr. I Choudhury learned counsel for the petitioners. Also heard Mr. K Gogoi, learned counsel for the respondent No.1 and Ms. R Bora learned counsel for the respondent Nos.2, 3, 4 and 5.

The petitioners by way of instituting the present proceeding has presented a challenge to an order dated 22.03.2024 (Annexure – 9 to the writ petition), by which the authorities of the Central Board of Secondary Education (CBSE) had withdrawn the affiliation granted to the said school for running class XI and class XII.

In pursuance to an inspection made in the said school, the Joint Secretary (Affiliation) by way of a show cause notice dated

11.07.2023 (Annexure – 7 to the writ petition), highlighting the lacunae as found in the said inspection, proceeded to issue a show cause notice to the said school requiring it to submit its response thereon.

The allegation leveled against the petitioner No.1 school relates to violation of clause 14.2, 14.2.1, 14.2.2 and 14.2.4 of the CBSE Affiliation By-Laws, 2018. The petitioner No.1 School on receipt of the said show cause notice proceeded to submit its response in the matter vide its show cause reply dated 24.07.2023. The show cause reply as submitted by the petitioner No.1 School was thereafter considered by the authorities of the CBSE and on not being satisfied with the reply so filed, the Joint Secretary (Affiliation) CBSE proceeded vide communication dated 22.03.2024 to downgrade the petitioner No.1 school from Senior Secondary Level to Secondary Level with immediate effect. The petitioner No.1 school was further directed not to admit any students in classes for Senior Secondary Level and all students in class XI in the current academic year i.e., 2023-2024 were required to be registered with the nearby CBSE Affiliated School(s).

It is further contended by the learned counsel for the petitioners that being aggrieved by the communication dated 22.03.2024, the petitioner No.1 School had preferred an appeal dated 28.03.2024 in the matter before the Secretary, Central Board of Secondary Education, New Delhi and the same was pending disposal.

On perusal of the materials brought on record, it is seen that the allegation leveled against the petitioner No.1 school requires a factual determination, and an appeal having been preferred by the

petitioner No.1 School in the matter, this court at this stage would not like to entertain the present writ petition. Accordingly the Appellate Authority is directed to take on record dated 28.03.2024 preferred by the petitioner No.1 School against the order dated 22.03.2024 and to give it its due consideration. On such consideration being made the appeal be disposed of by way of a speaking order. In the event the appellate authority is of the view that for a proper adjudication of the issues raised in the appeal a hearing is required to be granted to the authorities of the petitioner No.1 School in the matter, the appellate authorities will be at liberty to grant such hearing to the authorities of the petitioner No.1 school and thereafter proceed to dispose of the above noted appeal

The order that would be so passed by the appellate authority would be duly communicated to the authorities of the petitioner No.1 School.

The above exercise shall be initiated and concluded by the appellate authority within a period of 2 months from the date of receipt of a certified copy of this order.

The authorities of the petitioner No.1 school is now required to submit to the appellate authority the certified copy of this order along with a forwarding for taking the matter forward.

With the above observation and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant