

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C)/1938/2025
CM/5130/2025

UTHAYMEEN ISLAMIC SCHOOL TH.ITS
CHAIRMAN

...Petitioner(s)/appellant(s)

Through: Mr. Shafqat Nazir, Advocate

Vs.

UNION TERRITORY OF J AND K (SCHOOL
EDUCATION) AND ORS

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Nadiya Abdullah, Assisting Counsel
Ms. Raheela Khan, Assisting Counsel

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

09-09-2025

1. The petitioner (Uthaymeen Islamic School) prays for Certiorari to quash the order dated June 25th 2025 issued by Committee for Fixation and Regulation of Fee of Private School J & K (FFRC), vide which the petitioner was prohibited to establish a school, enroll any student and also not to charge any fee till the recognition, in terms of the Section 11 of the School Education Act is obtained from the competent authority.
2. Further to command the respondents to permit the petitioner to function smoothly for current academic Session 2025-26. As also restrain the respondents from taking any coercive or prejudicial measures against the petitioner, and to finalize the registration/recognition of the petitioner school in accordance with law at an earliest.
3. Learned counsel for the petitioner submits that in terms of Section 11, (ibid) the petitioner had applied for grant of approval to the Chief Education Officer, Srinagar, Kashmir and also to forward his claim to the concerned authorities for issuance of character verification and non-involvement/non-political certificate in favour of the Managing body. He submits that even though the certification was received by the authorities on March 13, 2025, but since then the matter has not made any tangible progress.

4. With reference to numerous documents/certificates that are appended with the petition, he submits that the petitioner has obtained no due certificates/necessary approval/sanction from the J&K Pollution Control Committee, Srinagar, Municipal Corporation, Srinagar, which have been duly submitted to the competent authority for expeditious decision on their application seeking recognition. So much so, he asserts that vide Communication dated July 15th 2025, office of the Zonal Education officer had even accorded conditional permission to the petitioner to work for current academic sessions 2025-2026 subject, however, to a condition that the petitioner shall complete the entire registration process with the competent authority at the earliest. He submits that every possible formality that was required to be carried out by the petitioner has since been met. But owing to apparent inaction/in decision at the end of the respondent authority, the rights and interests of the petitioner are severally impaired.

5. Response on behalf of respondent No. 1 and 2 had already been filed. Whereas the objections on behalf of the Director School Education (respondent No. 2) filed today in Court are taken on record. Copy furnished. Learned Senior counsel for the respondent referred to the averments set in in para 9 thereof:

“The case of the petitioner school has been forwarded by the Chief Education Officer, Srinagar to the Deputy Commissioner, Srinagar on 26.03.2025 for verification of credentials of the Managing Body. Which is pre requisite as per the circular instruction dated 22.01.2025. The matter is also under consideration of the CID and other agencies. Until the verification process is completed, the registration cannot be finalized. Copy of communication dated 26.03.2025 and circulars instructions dated: 22.01.2025 is annexed herewith Annexure I and II respectively.”

6. Accordingly, he submits that the matter being under active consideration of the competent authority, a formal decision, post verification of the credentials of the Managing Body of the petitioner and other related formalities, would be taken within four weeks.

7. As regards the concerns/grievances of the petitioner that in the current circumstances it is practically impossible for the petitioner to exist,

suffice it to say that petitioner shall be at liberty to move the competent authority even in this regard, particularly when the authorities vide order dated July 15th 2025, had granted conditional permission to the petitioner to function for the current academic year 2025-2026. We are sanguine that in the event any such request is moved, the same shall also be considered without any delay in accordance with law.

8. In the wake of the above and in terms of the statement made by learned counsel for the respondents, the petition is accordingly, disposed of.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
09-09-2025
Adil

