

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 580 of 2015**

1. Principal, Raj Kumar College, G.E. Road, Raipur, District Raipur, Chhattisgarh.
2. Management Committee and Chairman Raj Kumar College, G.E. Road, Raipur, District Raipur Chhattisgarh.

---- Appellants**Versus**

1. Ku. Koushiki Khakhariya D/o Dr. Anil Khakhariya, Aged about 14 years.
 2. Vatsal Khakhariya S/o Dr. Anil Khakhariya, Aged about 11 years.
- Both minor they are through their mother Smt. Nanda Khakhariya, aged about 44 years, W/o Dr. Anil Khakhariya R/o C-80/2, Devendra Nagar, Tahsil and District Raipur, Chhattisgarh.
3. State of Chhattisgarh, Through Secretary, School Education Department Mahanadi Bhawan, Mantralaya, Naya Raipur.
 4. District Education Officer, Raipur, Chhattisgarh.
 5. Chhattisgarh State Commission for Protection of Children, through its Secretary, Raipur.

---- Respondents

For Appellants	:	Shri Abhishek Sinha, Advocate.
For Respondents 1 & 2	:	Shri Parag Kotecha, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****03/12/2015**

1. The present appeal arises from interim order dated 29.9.2015 in Writ Petition (C) No. 1578 of 2015. The Learned Single Judge has permitted Respondents No. 1 and 2 to prosecute further studies in Class IX and VI respectively as an interim measure subject to deposit of fees. It has been further observed that apprehension of the Respondents with regard to denial of registration for appearing at the examination would be considered at the

appropriate time.

2. Though, Learned Counsel for the parties have addressed us at length, we do not consider it necessary to take note of the submissions lest it may prejudice either parties in the pending writ petition yet to be adjudicated on merits by the Learned Single Judge.

3. Interim orders are discretionary in nature. In the present case, in exercise of discretionary jurisdiction, a conditional interim order has been passed. Naturally, the effectiveness of the order depends on fulfillment of the conditions. Merely because we are an appellate Court and may have the power to interfere with the discretionary orders, it shall not be proper exercise of jurisdiction to do so only because we may be of a different opinion on the same facts.

4. The binding duty and obligation of a student to abide by every aspect of school discipline and the authority of Appellants to enforce school discipline and rules in accordance with law remains unhindered and unfettered.

5. The right to registration and to appear at the examination, it goes without saying has to be subject to the statutory requirements of the Indian Certificate of Secondary Education Regulations and the Learned Single Judge has not given any directions dehors the same.

6. Considering the nature of the unsavoury controversy, it is desirable in the interest of both that it is brought to an early end. Liberty is granted to the parties to motion before the Learned Single Judge.

7. The appeal stands disposed with the aforesaid observation.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE