

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 9010 of 2010 (A)

PETITIONER :

**MANAGER, HOLY FAMILY PUBLIC SCHOOL,
VAYYATTUPUZZHA.P.O, CHITTAR, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.L.RAM MOHAN**

RESPONDENT(S):

- 1. COUNCIL FOR THE INDIAN SCHOOL
CERTIFICATE EXAMINATIONS, REPRESENTED BY ITS
CHIEF EXECUTIVE/SECRETARY, PRAGATHI HOUSE, 3RD FLOOR,
47-48, NEHRU PLACE, NEW DELHI-110 505.**
- 2. CHIEF EXECUTIVE/SECRETARY,
COUNCIL FOR THE INDIAN SCHOOL CERTIFICATE
EXAMINATIONS, PRAGATHI HOUSE, 3RD FLOOR,
47-48, NEHRU PLACE, NEW DELHI-110 505.**
- 3. STATE OF KERALA SECRETARY,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

**R1 & R2 BY ADV. SRI.R.RANJITH
R3 BY GOVERNMENT PLEADER SMT.M.J.RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE RELEVANT BYE LAWS OF THE FIRST RESPONDENT FOR AFFILIATION**
- P2 COPY OF THE G.O(MS) 18/88/G.EDN DATED 12/1/1988.**
- P3 COPY OF THE COVERING LETTER SUBMITTED TO THE THIRD RESPONDENT DATED 22/9/2007**
- P3(A) COPY OF THE LETTER TO THE FIRST RESPONDENT SEEKING NOC**
- P4 COPY OF THE CHALAN EVIDENCING THE PAYMENT OF RS.25,000/- TOWARDS THE FEE FOR NOC**
- P5 COPY OF THE COMMUNICATION DATED 30/3/2006 OF THE DEO**
- P5(A) COPY OF THE VISIT REPORT OF THE DEO**
- P5(B) COPY OF THE SURVEY REPORT OF THE DEO**
- P6 COPY OF JUDGEMENT DATED 25/9/2007 IN WP(C).NO.22402/2007**
- P7 COPY OF THE G.O.(RT) 5814/07/G.EDN DATED 19/12/2007 REJECTING THE APPLICATION FOR NOC**
- P8 COPY OF THE JUDGMENT DATED 15/12/2008 IN WP(C).NO.32141/2008**
- P9 COPY OF THE JUDGMENT DATED 15/12/2008 IN WP(C).NO.1439/2008**
- P10 COPY OF THE G.O(MS)204/08/G.EDN DATED 15/12/2008**
- P10(A) COPY OF THE G.O(MS) 3/09/G.EDN DATED 5/1/2009**
- P11 COPY OF THE ORDER DATED 24/3/2009 REJECTING THE PETITIONER'S APPLICATION**
- P12 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE MINISTER TO THE GOVERNMENT**
- P13 COPY OF THE ENDORSEMENT MADE BY THE DEPUTY DIRECTOR OF EDUCATION, PATHANAMTHITTA IN THE VISITORS DIARY KEPT AT THE SCHOOL**
- P14 COPY OF THE PETITION SUBMITTED TO THE DEPUTY DIRECTOR OF EDUCATION, PATHANAMTHITTA DATED 26/6/2009**
- P15 COPY OF THE APPLICATION FOR AFFILIATION SUBMITTED BY THE TRAVANCORE DEVASWOM BOARD FOR ITS SCHOOL AT VETTIKAVALA, KOTTARAKKARA, KOLLAM DISTRICT DATED 21/4/2008**

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- P16 COPY OF THE ORDER GRANTING PROVISIONAL AFFILIATION TO TDB SCHOOL, VETTIKAVALA, KOTTARAKKARA, KOLLAM BY CBSE**
- P17 COPY OF THE APPLICATION SUBMITTED BY TRAVANCORE DEVASWOM BOARD FOR ITS SCHOOL AT CHAKKUVALLY, SOORANAD, KOLLAM DISTRICT DATED 19/6/2007**
- P18 COPY OF THE ORDER DATED 26/3/2008 GRANTING AFFILIATION TO TRAVANCORE DEVASWOM BOARD SCHOOL AT CHAKKUVALLY, SOORANAD, KOLLAM DISTRICT**
- P19 COPY OF THE LAND CERTIFICATE OF THE TRAVANCORE DEVASWOM BOARD SCHOOL AT CHAKKUVALLY, SOORANAD, KOLLAM DISTRICT DATED 30/6/2007**
- P20 COPY OF THE APPLICATION SUBMITTED BY THE TRAVANCORE DEVASWOM BOARD FOR ITS SCHOOL AT ALTHARAMOODU, KADAKKAL, KOLLAM DISTRICT DATED 13/6/2008**
- P21 COPY OF THE ORDER DATED 22/5/2009 GRANTING AFFILIATION TO TRAVANCORE DEVASWOM BOARD FOR ITS SCHOOL AT ALTHARAMOODU, KADAKKAL, KOLLAM DISTRICT**
- P22 COPY OF THE ACQUITTANCE REGISTER FOR THE MONTH OF JANUARY 2009**
- P22(A) COPY OF THE CHALAN EVIDENCING PAYMENT OF P.F FOR THE MONTH OF JANUARY 2009**
- P23 COPY OF THE ACQUITTANCE REGISTER FOR THE MONTH OF FEBRUARY 2009**
- P23(A) COPY OF THE CHALAN EVIDENCING THE PAYMENT OF PF FOR THE MONTH OF FEBRUARY 2009**
- P24 COPY OF THE ACQUITTANCE REGISTER FOR THE MONTH OF MARCH 2009**
- P24(A) COPY OF THE CHALAN EVIDENCING THE PAYMENT OF PF FOR THE MONTH OF MARCH 2009**
- P25 COPY OF THE BANK STATEMENT DATED 13/3/2010**
- P26 COPY OF THE PF CHALAN FOR THE MONTH OF JUNE 2009**
- P26(A) COPY OF THE PF CHALAN FOR THE MONTH OF JULY 2009**
- P26(B) COPY OF THE PF CHALAN FOR THE MONTH OF AUGUST 2009**
- P26(C) COPY OF THE PF CHALAN FOR THE MONTH OF SEPTEMBER 2009**
- P26(D) COPY OF THE PF CHALAN FOR THE MONTH OF OCTOBER 2009**
- P26(E) COPY OF THE PF CHALAN FOR THE MONTH OF NOVEMBER 2009**

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P26(F) COPY OF THE PF CHALAN FOR THE MONTH OF DECEMBER 2009

P27 COPY OF THE LIST OF STAFF MEMBERS

P28 COPY OF THE G.O.(MS)244/99/G.EDN DATED 30/9/1999 ISSUED BY THE THIRD RESPONDENT

P29 COPY OF THE COMMUNICATION DATED 22/2/2010 OF THE FIRST RESPONDENT

P30 COPY OF THE G.O.(RT)NO.1977/09/GENERAL EDUCATION DATED 23/5/2009

RESPONDENT'S EXHIBITS:

R2(A) COPY OF THE AFFILIATION GUIDELINE OF THE 1ST RESPONDENT.

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 9010 of 2010

Dated this the 20th day of May, 2015

JUDGMENT

The petitioner had approached this Court through the present writ petition seeking a declaration that the petitioner school was entitled to be granted an affiliation by the 1st respondent in view the school being found eligible for grant of affiliation by the 1st respondent. The writ petition was filed in the wake of an insistence by the 1st respondent in its bye laws that before granting provisional affiliation, the petitioner school was required to get an NOC from the State Government. Apparently the State Government was reluctant to grant the NOC to the petitioner school notwithstanding the fact that the 1st respondent board had found the school eligible for the grant of provisional affiliation.

2. It is pointed out by the learned counsel for the petitioner that, by an interim order dated 20.04.2010 in IA No.5246 of 2010, this Court had directed the 2nd respondent to provisionally grant affiliation to the petitioner school without insisting for an NOC from the 3rd respondent. It is pointed out that pursuant to the said interim order, the petitioner school was granted provisional affiliation without an NOC being issued by the 3rd respondent. Inasmuch as the prayer of the petitioner in the writ petition

virtually stood redressed by the aforesaid interim order of this Court and the petitioner is not concerned with the grant of permanent affiliation as of now, the writ petition is closed by making the interim order dated 20.04.2010 absolute, inasmuch as it pertains to the grant of temporary affiliation to the petitioner school.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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