

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 14304 of 2015 (K)

PETITIONER(S) :

**THE MANAGER, NITHYA GIRI CENTRAL SCHOOL,
KAREELAKULANGARA P.O., KAYAMKULAM,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
DIRECTORATE OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
MAVELIKKARA, ALAPPUZHA DISTRICT-690 101.**
- 4. THE CENTRAL BOARD OF SECONDARY EDUCATION (CBSE),
REPRESENTED BY ITS PRINCIPAL OFFICER,
AFFILIATION UNIT, AMC CELL, SHIKSHA KENDRA,
2 COMMUNITY CENTRE, PREET VIHAR, NEW DELHI-110 092.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.S.JAMAL
R4 BY SRI.DEVAN RAMACHANDRAN, S.C, CBSE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : A TRUE COPY OF THE REGISTRATION CERTIFICATE NO.A.736/2001 DATED 10.10.2001, ISSUED TO THE PETITIONER'S SCHOOL.**
- P2 : A TRUE COPY OF THE G.O(MS)NO.202/11/G.EDN. DATED 07.10.2011.**
- P3 : A TRUE COPY OF THE APPLICATION FOR NO OBJECTION CERTIFICATE SUBMITTED BY THE PETITIONER ALONG WITH COVERING LETTER DATED 31.10.2011 AND CHECK LIST OF DOCUMENTS APPENDED.**
- P4 : A TRUE COPY OF THE COMMUNICATION NO.B1/8611/2011 DATED 11.07.2012 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.**
- P5 : A TRUE COPY OF THE INTERIM ORDER DATED 27.07.2012 IN WPC NO.17633/2012.**
- P6 : A TRUE COPY OF THE VISIT REPORT ALONG WITH COVERING LETTER DATED 09.10.2012 FORWARDED BY THE 3RD RESPONDENT.**
- P7 : A TRUE COPY OF THE JUDGMENT DATED 08.10.2012 IN WPC NO.17633/2012 AND CONNECTED CASES.**
- P8 : A TRUE COPY OF THE COMMUNICATION FORWARDED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT DATED 05.04.2013 ALONG WITH PROFORMA.**
- P9 : A COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER THE RTI ACT.**
- P10 : A COPY OF THE REPLY ISSUED UNDER RTI ACT DATED 04.08.2014 ALONG WITH ANNEXURES.**
- P11 : A COPY OF THE NEWS ITEM PUBLISHED IN THE MADHYAMAM DAILY DATED 11.04.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

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Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's application for No Objection Certificate for obtaining affiliation from the Central Board of Secondary Education (C.B.S.E) has not been considered till date. The brief facts to be noticed are that, the petitioner was running a school for long, but not affiliated to any Board. In any event, the petitioner sought for affiliation in the academic year 2007-09. The application for NOC, to get affiliated to the C.B.S.E, in the year 2007-09, was rejected by the Government. Subsequently, the Government came up with Ext.P2 Regulation laying down certain parameters for the purpose of issuance of NOC for getting C.B.S.E/I.C.S.E affiliation. The petitioner applied under the same at Ext.P3, which was rejected by Ext.P4. The reason stated for

rejection was that sufficient students were not available and that the U.I.D registration of the students were not taken.

2. There were a batch of writ petitions, challenging Ext.P2 Regulations, specifically clause (iv) and (xiv) of the said Regulation. Clause (xiv) of the Regulation dealt with the minimum number of students required as also the U.I.D registration. This Court by an interim order as evidenced by Ext.P5 stayed clauses (iv) and (xiv) of the guidelines. The application of the schools, who had approached this Court for NOC, was directed to be considered by the Government. Pursuant to various interim orders, it is stated that many schools were so granted NOC by the Government. The State took up the matter in appeal from the interim order and the Division Bench in W.A No.1042 of 2012 rejected the same. Subsequently, all the writ petitions were heard and disposed of by Ext.P7. The petitioner's writ petition was numbered as W.P.(C)No.17633 of 2012. Clauses (iv) and (xiv) stood set aside.

3. This Court also issued the following directions in various writ petitions, including that of the petitioner.

The State Government is directed to consider the applications for 'NOC' preferred by the petitioners and pass appropriate orders, extending the benefit flowing from the common judgment dated 14.09.2012 passed by the Division Bench of this Court in W.A No.1042/2012 and connected cases, as expeditiously as possible; at any rate, within six weeks from the date of receipt of a copy of this judgment.

4. The petitioner requested consideration of the earlier application by producing the judgment of this Court. The District Educational Officer, Mavelikara by Ext.P8, forwarded a report to the Director of Public Instructions. No reply having been received from the Director of Public Instructions, the petitioner is before this Court contending that despite Ext.P8, no communication as NOC has been received till date.

5. In such circumstance, the application filed by the petitioner is directed to be considered as directed in Ext.P7 judgment; if still pending before the Director of Public Instructions, the same shall be forwarded to the 1st respondent

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within two weeks from the date of production of the certified copy of this judgment. If any orders have been passed, the same shall be supplied to the petitioner. The 1st respondent shall consider the application of the petitioner as directed in Ext.P7, in accordance with law and pass orders within three months from the date of receipt of the certified copy of this order.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.