

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR.JUSTICE R. SUBBIAH

Writ Petition No.11781 of 2015  
and  
M.P.No.1 of 2015

Sri Nandhanam International School  
Molagarampatti,  
Tirupattur - 635 601  
Vellore District,  
rep. By its Manager,  
P. Haridoss.

... Petitioner

Vs.

The Central Board of Secondary Education,  
Shiksha Kendra,  
No.2, Community Centre,  
Preet Vihar,  
New Delhi - 110 301.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Board to grant permanent affiliation in favour of the petitioner School as per the provisions of Affiliation Bye-laws of Central Board of Secondary Education based on the rectification report submitted by the petitioner school dated 31.01.2015, within a time frame.

For Petitioner : Mr.G. Sankaran

For Respondent : Mr.Su. Srinivasan  
ASG

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O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondent Board to grant permanent affiliation in favour of the petitioner School as per the provisions of Affiliation

Bye laws of Central Board of Secondary Education based on the rectification report submitted by the petitioner School dated 31.01.2015 within a time frame to be fixed by this Court.

2. The facts of the case are as follows:

The petitioner school was established on 06.06.2012 by the registered Educational Trust in the name of 'Potti Munirathinam Nandagopal Mohana Krishnaa Educational and Social Welfare Trust' with Pre K.G. to VI Standards adopting Central Board of Secondary Education and the school was established by fulfilling the norms and standards with reference to infrastructural and instructional facilities as provided under the provisions of CBSE Affiliation bye-laws. As per bye-law, it is required to obtain affiliation from CBSE on upgradation of school from VIII standard to IX standard. After the establishment of the school, the Chairman of the Educational Trust forwarded an application with self declaration regarding compliance with norms and standards prescribed under the provisions of Right of Children to Free and Compulsory Education Act, 2009 seeking grant of recognition of school to the Education Department of State of Tamil Nadu on 18.01.2013. While so, the respondent Board amended the affiliation bye-laws by notification dated 08.07.2013 to the effect that NOC from the State Government is not required to be obtained for the purpose of submitting an application seeking affiliation from CBSE and that it is enough to intimate the Education Department of the State of Tamil Nadu about the submission of application seeking affiliation. Subsequently, the petitioner school submitted an application on 02.07.2014 to the respondent Board seeking affiliation. The respondent Board, by proceedings dated 25.12.2014 returned the application submitted by the petitioner school by referring to certain deficiencies. On receipt of the said proceedings, the petitioner school submitted a deficiency rectification report to the respondent Board on 31.01.2015 by enclosing all the requisite and relevant documents. However, no orders were passed by the respondent Board granting affiliation till date. The grievance of the petitioner is that there are students in the petitioner school, who are moving from VIII Standard to IX Standard in the academic year 2015-2016 and without obtaining affiliation, students cannot be admitted in IX Standard, which would cause serious prejudice to the students of the petitioner School moving to IX Standard in the academic year 2015-16. Hence, the petitioner has come forward with the present writ petition.

3. Heard both sides.

4. Considering the fact that the deficiency rectification report submitted by the petitioner School dated 31.01.2015, is

pending before the respondent Board, this Court is of the view that a direction could be given to the respondent to pass orders on the said rectification report within a time frame.

5. Hence, the writ petition is disposed of directing the respondent Board to consider and pass appropriate orders on the rectification report submitted by the petitioner school dated 31.01.2015, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected M.P. is closed.

Sd/-  
Vacation Officer

//True Copy//

Sub Assistant Registrar

nv/gv

To

The Central Board of Secondary Education,  
Shiksha Kendra,  
No.2, Community Centre,  
Preet Vihar,  
New Delhi - 110 301.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.25169

+1cc to Mr.G.Nagarajan, Standing Counsel for CBSE, S.R.No.25129

Writ Petition No.11781 of 2015  
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BVR(CO)  
CA(15/05/2015)

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