

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P. No. 14475 of 2015

&

M.P. No. 1 of 2015

St. Charles School,
Yercaud Taluk,
Salem District,
Tamil Nadu 636 001
rep. By its Principal
Sr. Margaret Lawrence.

... Petitioner

Vs.

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

... Respondent

Prayer: Petition under Article 226 of the Constitution of India praying 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 CBSE Affiliation Bye laws based on the rectification report submitted by the petitioner School dated 20.11.2014 within a time frame to be fixed by this Court.

For Petitioner : Mr.AR.L. Sundaresan,
Senior Counsel for
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 CBSE

Affiliation Bye laws based on the rectification report submitted by the petitioner School dated 20.11.2014 within a time frame to be fixed by this Court.

2. The facts of the case are as follows:

The petitioner School was established in the year 2003 as Nursery and Primary School by the Educational Agency, namely, Society of Eastern Province of Sisters of St. Charles. Recognition was granted to the petitioner by the Department of Education, State of Tamil Nadu, as per the proceedings of Director of Elementary Education, Chennai, dated 05.03.2004 for standards LKG to V Standard and it is being renewed periodically. On the School Management taking a decision to adopt the syllabus of Central Board of Secondary Education, an application was made to the respondent Board for affiliation in the year 2011. Simultaneously, the petitioner School applied for NOC from the State Government based on which the Chief Educational Officer, Salem District, inspected the petitioner School and submitted a report on 15.12.2011. Since no orders were passed thereafter, another application was submitted by the petitioner School to the respondent Board in the year 2012 for grant of affiliation and the said application was returned by the respondent Board pointing out certain deficiencies to be rectified by proceedings dated 23.05.2012. The deficiencies pointed out were duly rectified by the petitioner school and the proposal was resubmitted. In the meanwhile, the CBSE affiliation bye-laws were amended by notification dated 08.07.2013 stating that for existing schools, NOC is not required to be obtained from the State Government and that it is enough, if an intimation regarding application submitted to the CBSE seeking affiliation is given to the Education Department of the State of Tamil Nadu. Subsequent to re-submission of the proposal by the petitioner school, certain other deficiencies were also pointed out by the respondent Board by proceedings dated 02.04.2014 and the same were immediately rectified by the petitioner School. Thereafter, by proceedings dated 09.07.2014, the respondent Board appointed an Inspection Committee for inspection of the petitioner school. The Inspection Committee, on intimation, inspected the school premises on 13.09.2014 and submitted a report. Thereafter, the respondent Board issued a communication dated nil, November, 2014, once again, referring to certain deficiencies apart from what had already been communicated and complied with. Though, according to the petitioner, the said deficiencies are either non-existent or had already been duly complied with, the petitioner school submitted a detailed rectification report on 20.11.2014 for all the deficiencies as stated. However, the respondent Board has not passed any orders granting affiliation to the petitioner school so far. 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, commencing from 01.06.2015 and as per the direction of the respondent Board, 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 from June, 2015. Hence, the petitioner has come forward with the present writ petition.

3. Heard both sides.

4. Considering the fact that a detailed rectification report submitted by the petitioner School dated 20.11.2014, 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 20.11.2014, 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(CS II)

//True Copy//

Sub Assistant Registrar

nv/gv

To

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

+lcc to Mr.G.Sankaran, Advocate, S.R.No.25167

+lcc to Mr.G.Nagarajan, Standing Counsel for CBSE, S.R.No.25130

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JP(CO)
CA(15/05/2015)