

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P. No. 14508 of 2015

&

M.P. No. 1 of 2015

The Chairman,
Blessings International School,
Blessings Nagar,
keerapakkam,
Thirukalukundram,
Kancheepuram District,
Tamil Nadu - 603 109.

... 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 Affiliation Bye laws of Central Board of Secondary Education based on the rectification report submitted by the petitioner School dated 27.03.2015 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

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 27.03.2015 within a time frame to be fixed by this Court.

2. The facts of the case are as follows:

The petitioner school was established in the year 2013 with Pre K.G. To VIII Standard 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. 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 11.07.2014 to the respondent Board seeking affiliation. The respondent Board, by proceedings dated 01.01.2015 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 27.03.2015 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 27.03.2015, 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 27.03.2015, 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, Delhi 110 301.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.25168
+1cc to Mr.G.Nagarajan, Advocate, S.R.No.25128

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

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