

CWP No.21701 of 2014

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.21701 of 2014
Date of decision:09.04.2015**

Neo Convent Public School

...Petitioner

Versus

Central Board of Secondary Education and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Hemen Aggarwal, Advocate,
for the petitioner.

Mr. Harsh Aggarwal, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 19.08.2014 passed by the respondents, withdrawing provisional affiliation granted to Neo Convent Public School, Jagadhari, Tejli Road, Jagadhri for the secondary level with immediate effect with a further direction to the aforesaid school not to admit the students in class IX under CBSE pattern w.e.f. session 2015-16, otherwise the Central Board of Secondary Education (hereinafter referred to as the "Board") will not be held responsible for the consequences arising out of it.

The present writ petition has been filed by the Neo Convent

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Public School, Old Saharanpur Road, Jagadhri. As per the impugned order, Neo Convent Public School, Jagadhari, Tejli Road, Jagadhri, Haryana, managed by Amir Education Society, was granted provisional affiliation for Secondary examination by the Board w.e.f. 01.04.1999 and subsequent extension was granted w.e.f. 01.04.2010 to 31.03.2015 subject to the conditions that the school would abide by the provisions of the Affiliation and Examination Bye-Laws of the Board as well as other rules and regulations prescribed by the Board from time to time. Since there were several complaints against the Neo Convent Public School, Jagadhari, Tejli Road, Jagadhri, therefore, an Inspection Committee was constituted by the Board to look into those complaints. The Inspection Committee inspected the school on 10.09.2012 and found the following irregularities:-

- “(a) The school has changed its original site from Tejli Road to old Saharanpur road.
- (b) The school is running from three locations against one single affiliatio i.e. (i) Jangla Wali Mandir Branch, (ii) Modern Colony, near ITI Branch, Giri Mandir Road, Jagadhri (Yamuna Nagar) (iii) Tejli Road, Jagadhri, and the said Branch is also shifted to Old Sahranpur Road Branch.
- (c) The school is sorsoring unauthorized students and its classes IX & X are running from Tejli Road Branch, whereas no student of class VI, IX & X were found present at Old Saharanpur Road

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- (d) the school is not having its own enrollment of students in some classes and is sponsoring students of other un-affiliated schools.
- (e) The school atmosphere is unsafe for students as there is a factory inside school boundary.
- (f) The students registered with the Board for Board examination are not the bona fide students of this school, these are the students of some other un-affiliated schools.
- (g) The school failed to produce all the records to the inspection committee members. It is not maintaining admission and attendance records. These were not produced for inspection.
- (h) The school is in practice of making demo arrangement for inspection committee such as producing fabricated records as well as arranging students and teachers on the day of inspection.”

The Neo Convent Public School, Jagadhari, Tejli Road, Jagadhri was served with a show cause notice to which the reply was filed and it was observed by the Board that the aforesaid school had never applied for change of site or address change which shows that it had changed its original site to which the Board has granted affiliation i.e. from Tejli Road, Jagadhri, Yamuna Nagar to old Saharanpur Road, without prior

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approval from the Board which is in violation of the norms of the Board. The school at Tejli Road was found to have violated Rules 8, 10, 13, 12 and 17.2(a) of the Affiliation Bye-laws as well as the Examination Bye-laws of the Board.

Notice of motion was issued in this case subject to maintainability of the writ petition.

Counsel for the respondents has raised the issue of maintainability on the ground that the present petition has been filed by the Neo Convent Public School, Old Saharanpur Road, Jagadhri, whereas the school affiliated with the Board was Neo Convent Public School, Jagadhari, Tejli Road, Jagadhri, which has now been de-affiliated by the impugned order and since the writ petition has been filed by the school which is not affected by the impugned order, therefore, the present petition on behalf of the present school at Old Saharanpur Road, Jagadhri is not maintainable because it would not be affected adversely by the impugned order dated 19.08.2014.

Faced with this argument, counsel for the petitioner has tried to submit that the present petitioner-school at Old Saharanpur Road, Jagadhri is the same school which was earlier located at Tejli Road, Jagadhri.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the impugned order has been passed in regard to de-affiliation of the Neo Convent Public School, Jagadhari, Tejli Road, Jagadhri and not against the Neo Convent Public School, Old Saharanpur Road, Jagadhri.

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Thus, it is clear that the present petitioner does not have any *locus standi* to file this writ petition and hence, the same is hereby dismissed being not maintainable.

April 09, 2015
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(Rakesh Kumar Jain)
Judge