

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

Civil Writ Petition No.11528 of 2004

Date of decision: 07.12.2016

The Holy Child School Society

...Petitioner

Versus

The Union of India and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Mansur Ali, Advocate for the petitioner.

Mr. Harsh Aggarwal, Advocate for respondents no.2 to 4.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 5.4.2004 (Annexure P/32) whereby the respondent-Board had declined to grant provisional affiliation mainly on the ground that there was no NOC from the State Education Department and the school had not submitted the land ownership documents duly registered in favour of the petitioner-society.

It is not disputed that vide interim order dated 27.1.2005 provisional affiliation was directed to be continued and the petitioner-school was permitted to continue making admissions and taking examinations subject to periodic payments in accordance with C.B.S.E. Regulations. The said order is reproduced below:-

“Admitted.

Operation of Annexure P-32 is stayed.

Provisional affiliation granted to the petitioner shall continue. Petitioner shall be permitted to continue making admissions and taking examinations during the pendency of the writ petition, subject to periodic payments in accordance with C.B.S.E. Regulations.

A copy of this order duly attested by the Bench Secretary be given to counsel for the parties.

To be listed for hearing within one year.”

A period of more than a decade has gone by since the interim order was passed. The petitioner-school has continued to function during this period.

Counsel for the respondent-Board submits that interest of the present students of the petitioner-school have already been protected and they have been permitted to sit in the examinations which are to be held in March, 2017. It is further submitted that portal shall be opened with effect from 1.1.2017 for the purpose of fresh application.

In such circumstances at this stage, it would be appropriate if the petitioner-school applies afresh for the provisional affiliation.

The respondent-Board will be at liberty to inspect the premises of the petitioner after the application is filed for provisional affiliation and pass an appropriate order by 31.3.2017 so that the petitioner-school can take steps to admit the students for the forthcoming academic session.

With the aforesaid observations, the present writ petition is disposed of

December 07, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No