

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

C.W.P No. 1018 of 2016 (O&M)

Date of Decision: February 24, 2016

Arya Senior Secondary School

..... Petitioner

vs

Central Board of Secondary Education & Another

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Anil Ksheterpal, Senior Advocate, with
Mr. Surinder Dagar and Mr. Praveen Gupta, Advocates,
for the petitioner (s).

Mr. Nitin Kant Setia, Advocate, for the respondents.

Rajesh Bindal, J.

This order will dispose of a bunch of petitions bearing C.W.P. Nos. 1018, 1033, 1236, 1243, 2121, 2125, 2129, 2130 and 2495 of 2016.

The educational institutions teaching students upto Class 12 are before this Court. They are aggrieved against the action of Central Board of Secondary Education (for short 'the Board'), whereby their applications for seeking post facto approval for new/direct admissions in Class-10 and 12 have been rejected.

The grievance of the petitioners is that the petitioners fulfill all the conditions laid down for grant of approval for new/ direct admissions in Class 10 and 12. Communication vide which their requests have been rejected do not assign any reason. The schools have all the infrastructure facilities. Learned counsel further submitted that in the process of approval of new/direct admissions, even the old students who had been promoted from class-9 to 10 and from Class-11 to 12 have not been granted permission to take exams. The exams are scheduled from March 01, 2016.

The stand of the Board is that wherever there are 30 new/direct admissions in Class-10 and 12, the Board constituted inspection committees to inspect the premises. The Committee submitted its report and on the basis thereof a decision was taken not to grant approval. However, learned counsel for the Board could not deny the fact that copy of the inspection report was not supplied to the petitioner(s) and impugned communication does not contain any reason on the basis of which the requests of the schools for approving new/direction admissions have been rejected. Learned counsel for the Board fairly submitted that all the students who have been promoted from class 9 to 10 and class 11 to 12 shall be permitted to take examination as there is no dispute regarding their admissions. The dispute is only pertaining to new/direct admissions.

After hearing learned counsel for the parties and considering the fact that the Board has rejected the prayer made in the applications for approval of new/direct admissions in Class 10 and 12 on the basis of certain comments made by the inspection committee. The report was not supplied to the petitioner(s) initially and further even in the communications vide which rejection have been conveyed, no reasons are forthcoming. Hence, the action of the Board cannot be sustained. The petitioners are entitled to know the reasons for which their requests for new/direct admission in Class 10 and 12 were rejected.

Learned counsel for the Board submitted that copy of the inspection report has been supplied to the petitioner(s) with the written statement filed, which contains all the reasons for not granting approval for new/direct admission. The petitioner shall be at liberty to respond to the report on or before 29.02.2016. They shall be afforded an opportunity of personal hearing on 29.02.2016 by the competent authority. The petitioner (s) may appear for the purpose at 11 A.M in the Regional Office of Board at Panchkula.

The Board shall be at liberty to pass order assigning reasons for approval or non-approval of the admissions requested by the petitioners for Class 10 and 12.

Considering the fact that the students have been admitted in Class-10 and 12 and the petitioner(s)- school are in communication with the Board ever since the admissions were made as the prayer for approval had to be submitted within one month from the date of admissions and no final decision has been taken by the Board and the examination for Class 10 and 12 are scheduled from March 01, 2016, it is directed that all the newly/directly admitted students in Class 10 and 12 shall be allowed to appear in the exams provisionally subject to the decision taken by the Board and if the decision is against the petitioners and impugned by the petitioners, decision of the Court. The result of the examination shall not be declared without permission of the Court.

The petitions stand disposed of accordingly.

February 24, 2016
tripti/vs

(Rajesh Bindal)
Judge