

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

**CWP No.24708 of 2015
Date of Order: 31.3.2016**

The Paramount International Public School

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Amit Mehta, Advocate for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

Mr. Anil Kumar, Garg, Advocate.

RAKESH KUMAR JAIN,J (ORAL)

Petitioner has challenged the order dated 13.4.2015 passed by respondent No.1 vide which the No Objection Certificate issued to the petitioner-School has been withdrawn.

Learned counsel for the petitioner has submitted that No Objection Certificate was issued to the petitioner-School for affiliation with the C.B.S.E, New Delhi on the following six conditions, which are mentioned in the letter dated 19.6.2014:

“1. That in future if it is found that application for getting no objection was applied on the basis of wrong information or directions of the Govt from time to time are not followed or conditions in the affidavit are not complied with, then in such case the No Objection Certificate can be taken back.

2. *Teaching of Punjabi will be compulsory upto Matric Level in your school and the CBSE, New Delhi will make arrangement for conducting exam of Punjabi in such schools and in case of not doing this, no objection certificate will be withdrawn immediately.*
3. *That school management will completely follow the Govt Notifications on Right to Education Act 2009 and Rules 2009 therein in toto.*
4. *That after getting affiliation with CBSE New Delhi the Management of the School will be bound to pay salary to the teaching/non-teaching staff at par with Govt. employees through account payee cheque. In case of not doing this no objection certificate will be withdrawn immediately.*
5. *That you and your management will ensure that whenever any information is sought by District Education Officer or Senior Officials of the Education Department, the same shall be provided and the necessary cooperation will be rendered.*
6. *That this no objection certificate is issued on the condition that Building Safety Certificate and Fire Safety Certificate for the year 2014-15 will be ensured to be produced within 2 months positively.”*

It is submitted that the petitioner/School has not violated any of the conditions but the No Objection Certificate has been withdrawn in view of Clause 17 of Rule 7 of Chapter V of the Rules/Conditions laid down by the CBSE on the ground that there was dispute between the members of the Registered Society.

Respondents have also taken the same stand in their reply.

After hearing learned counsel for the parties and examining the record, I am of the opinion that the reason assigned in the impugned order dated 13.4.2015 is totally foreign to the conditions enumerated in the No

Objection Certificate dated 19.6.2014, therefore, the said order is wholly illegal and is liable to be set aside. The respondents may have reason to withdraw the No Objection Certificate, in case, the petitioner violates either any Rule or Regulation or the condition mentioned in the letter and not otherwise.

In view of the aforesaid, present petition is allowed and the impugned order dated 13.4.2015 is set aside.

March 31, 2016
manoj

(RAKESH KUMAR JAIN)
JUDGE