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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4322/2017, CM Nos. 18813-18814/2017

ASSOCIATION OF SCHOOL VENDORS Petitioner

Through: Mr.Tanmaya Mehta, Adv. with
Mr.Ayush Arora, Adv.

versus

CENTRAL BOARD OF SECONDARY EDUCATION
AND ORS

..... Respondents

Through: Mr.Amit Bansal, Ms.Seema Dolo,
Advs. for R1-CBSE
Mr.Gautam Narayan, ASC with
Mr.R.A.Iyer, Adv. for R2-DOE

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **19.05.2017**

CM No.18813/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) 4322/2017 and CM No.18814 (for stay)

The present petition has been filed by the petitioner with the following prayers:

- a. *Quash and set aside the impugned circular dated 19/04/2017 issued by the Respondent No.1;*
- b. *In the alternative, a direction may be issued to the respondent no. 1 to clarify that the effect of the circular dated 19/04/2017 is not to*

prohibit sale per se of the above stated items within the school premises, but that the prohibition only applies to the extent that schools force parents to purchase products only from the said vendors within the school, and that as long as an option is available, the operation of such shops would be valid;

- c. Read down Clause 19 of the CBSE Affiliation Bye Laws to clarify that running of uniform, stationery and text book shops etc. in schools does not amount to commercialisation;*
- d. Pass any other order in the interests of justice, equity and good conscience;*

Mr. Tanmay Mehta has drawn my attention to prayer at (b) above and in support of the said prayer the circular dated April 19, 2017, more specifically paras 1 and 5 therein. The learned counsel appearing for the respondent Nos. 1 and 2 have taken a preliminary objection on the maintainability of the petition on the ground that the petitioner has no locus to challenge the circular dated April 19, 2017 inasmuch as the said circular has been issued to the Heads of all CBSE affiliated schools. On this objection, Mr. Mehta, has drawn my attention to paras 2 and 4 of the petition to contend that several schools have directed the Members of the petitioner-association for closure or suspension of trading and sale of school uniforms, text books, stationery etc. within the school premises.

No doubt, that the circular dated April 19, 2017 has been issued by the CBSE to all the Heads of CBSE affiliated schools, the petitioner being

the association of school vendors, may have a grievance with the said circular as in effect, the members of the petitioner-association, are selling the text books, school uniforms, stationery etc. in the school premises. During the course of submissions, it was put to Mr. Mehta, whether the petitioner has made any representation to CBSE, the answer was in the negative. If that be so, it would be appropriate if the petitioner association makes a representation to the CBSE, within a period of 10 days from today. The said representation shall be considered and decided by the CBSE within four weeks thereafter.

The petition is disposed of in terms of the above.

V. KAMESWAR RAO, J

MAY 19, 2017/akb