

\$~29

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

+ W.P.(C) 4456/2017

RAJNI PUBLIC SCHOOL

..... Petitioner

Through: Mr. Akhil Sibal, Sr. Adv. with Mr.
Nipun Saxena, Mr. Sourav Roy & Mr.
Dhruv Gautam, Advs.

versus

CENTRAL BOARD OF SECONDARY
EDUCATION

..... Respondent

Through: Mr. Amit Bansal and Ms. Seema
Dolo, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **24.05.2017**

CM. No. 19465/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4456/2017 & CM. No.19464/2017

1. It is the submission of Mr. Akhil Sibal, learned Senior Counsel for the petitioner that the impugned order dated April 8, 2017 received on April 17, 2017 is based on the premise that a complaint dated January 27, 2015 was made by one Rajendra Kumar Arora for certain irregularities. He also states, that the impugned order refers to a letter dated March 17, 2016.

According to him, neither the complaint nor the said letter have been given / received by the petitioner. That apart, the show cause notice dated May 16, 2015, does not refer to the complaint dated January 27, 2015. That apart, he states, comprehensive responses were given by the petitioner on June 15, 2015 and September 26, 2015 to the respondent herein. Nothing was heard from the respondent for almost 1½ years till the impugned order dated April 8, 2017 was received.

2. According to him, the impugned order dated April 8, 2017 is a non-speaking order, inasmuch as the same does not depict, which are the deficiencies which have been fulfilled by the School and which deficiencies still exist as on date. Mr. Sibal has also pointed out a communication received from the District Inspector of Schools, Bulandshehar dated May 4, 2017 whereby he has called upon the petitioner to stop running the School.

3. Mr. Amit Bansal, learned counsel appearing for the respondent CBSE would submit that if the petitioner has any grievance against the order dated April 8, 2017, appropriate should be to make a detailed representation against the same for consideration of the respondent. He also states, while considering the representation the respondent may cause inspection of the Institution.

4. Mr. Sibal, on instructions states that this suggestion of Mr. Bansal is acceptable to the petitioner and a representation shall be made within two weeks enclosing relevant documents. If that be so, on the petitioner making representation within two weeks, the same shall be considered by the respondent by causing inspection and communicate the deficiencies, if any to the petitioner within six weeks thereafter. Response thereto, if any be filed by the petitioner within two weeks from the receipt of the deficiencies, if any. The respondent shall consider the same and pass appropriate orders within four weeks thereafter.

5. Insofar as communication dated May 04, 2017 is concerned, suffice to state that a perusal of the impugned order dated April 8, 2017, it is clear no such direction was given by the CBSE.

6. If the petitioner is still aggrieved by any decision, to be taken by the CBSE, the petitioner shall be at liberty to take such remedy as available in law. All the rights and contentions of the parties are left open. Petition stands disposed of.

7. Dasti to the learned counsel for the parties.

V. KAMESWAR RAO, J

MAY 24, 2017/ak