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

+ **W.P.(C) 1438/2018 & C.M. Nos.5928-5929/2018**

SIMLA-CHANDIGARH EDUCATIONAL SOCIETY

AND ANR.

..... PETITIONERS

Through Mr.Tarique Siddiqui, Adv. with
Mr.Tanveer Ahmad, Adv.

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION.**

....RESPONDENT

Through Mr.Amit Bansal, Adv. with
Ms.Seema Dolo, Adv. for R-
1/CBSE.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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16.02.2018

1. Vide the present petition, petitioner no.1/Society as well as petitioner no.2/School, have impugned the orders dated 17th October, 2017/13th November, 2017, passed by the respondents, withdrawing the provisional affiliation granted to the petitioner/School for Secondary School Education and further directing petitioner no.2 not to admit any student from Class IX onwards from the academic session commencing from 1st April, 2018.

2. Learned counsel for the petitioners submits that though a show cause notice was issued to the petitioner before passing the impugned order, the said order alleging six shortcomings on the part of the petitioner, has been passed without even examining the contentions

raised by the petitioners in their reply. He submits that as far as shortcomings nos.3 to 6 referred to in the impugned order are concerned, the petitioners had duly explained in their reply to the show cause notice that the said infirmities/shortcomings already stood removed. He further submits that in so far as shortcoming no.1 which pertains to use of non NCERT books in the School, he has instructions to undertake that from the next academic session only, the petitioner will prescribe only NCERT books for use in the School.

3. The learned counsel for the petitioner further submits that in so far as shortcoming no.2 is concerned, the action of the petitioners is in consonance with the judgment of the Hon'ble Supreme Court in the case of *Action Committee, Un-Aided Pvt. Schools & Ors. Vs. Director of Education & Ors. AIR 2009 SC (Supp) 2693*.

4. Learned counsel submits that after passing of the impugned order, the petitioners have already made three representations to the respondents pointing out the aforesaid facts but they have received no reply thereto till date. He further submits that at this stage, the petitioner would be satisfied if the respondents are directed to consider the representations submitted by the petitioners and pass a reasoned and speaking order within ten days.

5. Keeping in view the fact that the petitioners have submitted three different representations, it is deemed appropriate to direct the petitioners to submit a fresh comprehensive representation within three days. The respondents will, accordingly, decide the same by passing a reasoned and speaking order within ten days thereafter.

6. It is hoped that the respondents will look into the matter

compassionately keeping in view the fact that the petitioner/School has been running for the last fifteen years as claimed by the learned counsel for the petitioners.

7. Needless to say, the order is being passed without prejudice to the rights and contentions of the parties.

8. In case the petitioner is still aggrieved by the said order of the respondents, he will be at liberty to take recourse as permissible under law.

9. The petition and pending applications are disposed of in the above terms.

FEBRUARY 16, 2018/aa

REKHA PALLI, J