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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1525/2018

CHACHAN EDUCATION AND WELFARE SOCIETY

..... Petitioner

Through: Mr. Harshvardhan Pandey, Adv. with
AR.

versus

CENTRAL BOARD OF SECONDARY EDUCATION

..... Respondent

Through: Mr. Amit Bansal with
Ms. Seema Dolo, Advs. for
R-4/CBSE.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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29.11.2018

1. This writ petition challenges communications dated 14th August, 2017 and 10th January, 2018, whereby the Central Board Secondary Education (CBSE) declined the request of the Lords International School for restoration of its affiliation from the academic year 2017-18. Consequent restoration of the said affiliation has also been sought.

2. Even prior to the filing of the petition, the aforementioned school was re-affiliated, by the CBSE, with effect from the academic year 2018-2019.

3. There were certain students, who had been promoted to Class IX and Class XI for the academic year 2017-18, during which year the school stood dis-affiliated. Ordinarily, such students would not have been able to sit in the Board Exams for

Class X and Class XII to be held in March, 2019, having studied in Class IX and Class XI in a non-affiliated school. Nevertheless, in order to secure the interest of students, and in order to enable them to undertake the Class X and Class XI Board Examination with the CBSE, the CBSE has undertaken that the students would be allowed to write the examination under the aegis of the Step By Step Public School, Tijara Road, Alwar.

4. Mr. Bansal, learned counsel for the CBSE, confirms and affirms this position.

5. An affidavit also stands filed by the CBSE, which discloses that 8 students, who had been directly admitted by the Lords International School in Class IX, and 23 students who had been directly admitted by the said school in Class XI, are not registered with the CBSE and would, therefore, have to take registration with the CBSE through the school, and fulfil certain other formalities, before they are permitted to write the examination conducted by the school. The following passages from the affidavit set out this position:-

“3. It may be noted that in violation of the CBSE’s order dated 06-03-2017, school had also directly admitted 8 students in classes IX and 23 students in class XI, from some other schools in the year 2017. These students are presently studying in classes X and XII. The candidature/eligibility of these candidates to appear in Board Exams will have to be first verified by the Regional Office, Ajmer by means of calling relevant record i.e. Admission form, Transfer certificate, Withdrawal Register, Attendance record, Fees receipt etc., or any other documents.

4. That further, all these students will have to be

registered by the Petitioner school in Class IX and XI for the academic session 2017-18, with late fee meant for purpose of registration of IX and XI. The late fee has to be borne by the Trust/Society running the school. The school will also produce an affidavit sworn in before First Class Magistrate to Regional Officer Ajmer that all these students are duly eligible for Board's Examination 2019 and the late fee related to registration/submission of LOC has not been charged from the students and the same is being paid by the society/Trust running the school. The school may collect the normal Registration/LOC fees from the students."

6. The petitioner is, therefore, directed to ensure that, qua the aforementioned 8 and 23 students, who had been directly admitted by them in Class IX and Class XI in 2017, due compliance with paras 3 and 4 of the affidavit of the CBSE extracted hereinabove, is made so that the students can undertake the Board Examination in March, 2019 under the CBSE.

7. At this stage, learned counsel for the petitioner seeks to submit that his instructions are to the effect that the said 8 and 23 students are also registered with the CBSE. It is not necessary for this Court to enter into this factual thicket. It is obvious that the requirement of the registration with CBSE would apply only to the students who are not already registered.

8. The writ petition stands disposed of with no orders as to costs.

C.HARI SHANKAR, J

NOVEMBER 29, 2018

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