

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.32248 of 2019
Date of Decision: 03.12.2019

The Holy Child School Society

... Petitioner

VS.

UOI & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Mansur Ali, Advocate for the petitioner

Ms. Shweta Nahata, Advocate for UOI

Mr. Kannan Malik, Advocate for CBSE

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition has been filed by the petitioner-School, namely, The Holy Child School Society, Kurukshetra *inter alia* with a prayer to direct the respondents to forthwith grant extension of provisional affiliation to the petitioner.

(2) Both the parties do not dispute some of the facts mentioned hereinunder.

(3) It is a matter of fact that CWP No.11528 of 2004 was filed by the petitioner wherein while admitting the writ petition vide order dated 27.01.2005, a Division Bench of this Court ordered that the provisional affiliation granted to the petitioner shall continue. This writ petition finally came up for hearing on 07.12.2016. On the said date the writ petition was disposed of with the following directions:-

“Counsel for the respondent-Board submits that interest of the present students of the petitioner-school have already been protected and they have been permitted to sit in the examinations which are to be held in March, 2017. It is further

submitted that portal shall be opened with effect from 1.1.2017 for the purpose of fresh application.

In such circumstances at this stage, it would be appropriate if the petitioner-school applies afresh for the provisional affiliation. The respondent-Board will be at liberty to inspect the premises of the petitioner after the application is filed for provisional affiliation and pass an appropriate order by 31.3.2017 so that the petitioner-school can take steps to admit the students for the forthcoming academic session.

With the aforesaid observations, the present writ petition is disposed of

December 07, 2016

(G.S.SANDHAWALIA)

Judge”

(4) After the disposal of the said writ petition, it is contended by learned counsel for the petitioner that vide Annexure P12 on 13.02.2017, online application was submitted for ‘extension of affiliation’. This application was submitted to CBSE portal e-Affiliation System for School. Thereafter on 30.07.2019 vide Annexure P20, CBSE informed the petitioner-school that the school was given opportunity to apply for fresh affiliation with the Board under the orders of the Court. It is then mentioned in the letter (impugned by the petitioner in the present writ petition) that the school has applied for further extension of affiliation under Registration No.EX-00802-1819 which is not a correct application since the school is in a dis-affiliated state.

(5) Learned counsel for the petitioner submits that there are various grounds to challenge the said order.

(6) On a question put to learned counsel appearing for respondents No.2 to 5-CBSE, it is not disputed between the parties that the students who

stood admitted by the school in the month of April, 2019 for the session 2019-2020 they are till date studying with the school. It is further not disputed that the said students, after having been duly informed stand registered with the CBSE.

(7) In this view of the matter, the workable solution has been suggested by the counsels that in case the petitioner-school applies for a fresh provisional affiliation even today or within one week from the date of receipt of certified copy of this order, the said application shall be considered and finally decided within 6 weeks thereafter.

(8) Ordered accordingly.

(9) It is also undisputed fact that the impugned order (P20) has been passed on 30.07.2019 and therefore the intention in recording the last line of the order apparently is that 'the school is directed not to sponsor its candidates w.e.f. the sessions 2019-2020 onwards' necessarily implies that the said protection is for the session which is to commence from April, 2020-2021. This is also in view of the fact that much prior to issuance of the letter dated 30.07.2019 students had already been admitted in the school for the session 2019-2020 and also the fact that these very students already stands registered with the CBSE.

(10) At this stage, learned counsel for the petitioner brings it to the notice of this Court, inspection report (P16) dated 24.05.2017. It is also contended that after this inspection report dated 24.05.2017 (P16) a letter was received by the school dated 12/26.09.2017 (P17) pointing out certain deficiencies to be removed. Learned counsel for the petitioner makes a statement that the same stands already removed. All these facts may be

taken into consideration by the competent authority. If necessity arises the petitioner can also be associated and asked for any further information.

(11) With these observations the substantive relief having been granted and the aforesaid observations being a workable solution whereby the career of the students of Class IX and Class X is to be sympathetically considered, the writ petition stands disposed of.

03.12.2019

Vvishal

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No