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

Date of decision: 1st February, 2019

+ W.P.(C) 4129/2017 & CM APPL. 18053/2017

INDEPENDENT SCHOOLS FEDERATION OF INDIA
(REGD.) & ANR Petitioners

Through: Mr. Shivankur Shukla, Adv.

versus

THE UNION OF INDIA & ANR Respondents

Through: Mr. Vikas Mahajan, CGSC with
Mr. Aakash Varma, Adv. for UOI
Mr. Amit Bansal, Adv. with Ms. Seema
Dolo, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

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JUDGMENT(ORAL)

1. This writ petition is directed against Circular dated 1st April, 2017, issued by the Central Board of Secondary Education (CBSE) to the Principals and Heads of all Institutions affiliated to the CBSE.

2. The said Circular exhorts all Principals and Heads of all Institutions affiliated to the CBSE to ensure that text books published by the National Council of Educational Research and Training (NCERT) alone are used in their schools. It goes on to state that “in the event of receipt of any complaint regarding non-implementation of NCERT Books through any source, the CBSE will be bound to initiate action against the defaulters as per rules of the Board”.

3. The issue in controversy is no longer *res-integra*, having been decided by a learned Single Judge of this Court in *Association of School Vendors & Ors. v. Central Board of Secondary Education & Ors.* [W.P.(C) 7414/2017], paras 48 and 49 whereof read thus:

“48. Be that as it may, even if I were to accept the plea of the Respondent that the Petitioner/Association of School Vendors does not have any locus standi to challenge circulars of CBSE, I cannot lose sight of the fact that the other two Petitioners i.e., Petitioner nos. 2 and 3, who are the parents of school going children, are being deprived of opportunity to buy the Non NCERT reference books and uniform from the shops within the School premises as a direct consequence of the impugned circulars. The objection raised by the Respondents regarding the locus standi of the Petitioners, is thus liable to be rejected.

49. For the aforesaid reasons, the Writ Petition No.7414/2017 filed by the Petitioners/Association of School Vendors is allowed and the circular dated 19th April, 2017 issued by CBSE is quashed and set aside. It is further directed that the Petitioners shall not be prohibited from selling of non NCERT books and uniforms also in the tuck shops which have been allowed to be set up in the CBSE affiliated schools for selling NCERT books and stationery items vide circular dated 24th 25th August, 2017. The conditions in circular dated 18.12.2017 prohibiting sale of Non-NCERT books in the school shops also stand quashed. The Respondents would however be free to take regulatory steps to ensure that the students and parents are not coerced in any manner, to buy any items from these shops.”

(Emphasis supplied)

4. Mr. Bansal submits that the LPA 220/2018 (*Parents Students*

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preferred against the above judgment also stands dismissed by the Division Bench of this Court *vide* judgment dated 20th November, 2018.

5. Mr. Bansal also submits that the CBSE has accepted this decision and has, consequently, issued a Circular No. 8/2018, dated 21st June, 2018, containing various directions, of which direction nos. 2 and 3 read thus:

“2. If a school makes available books, both NCERT and non-NCERT stationery and uniform items for sale in the school premises through these Tuckshops, then the sale of these items must be done without any coercion on the students/parents to buy the same from these shops.

3. The school shall not coerce parents/students for buying the said books and items from any other specified vendors also.”

6. It is obvious, in view of the above Circular, which implements the judgment passed by this Court, that the schools cannot be mandated to prescribe only NCERT textbooks and, consequently, that sale and dissemination of textbooks, other than those published by the NCERT, would also be permissible.

7. In view thereof, learned counsel for the petitioner submits that the grievance in the writ petition stands satisfied.

8. The writ petition is accordingly disposed of.

9. There shall be no orders as to costs.

C.HARI SHANKAR, J

FEBRUARY 01, 2019

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