

CWP No. 38195 of 2018

Date of Decision: February 03, 2020

Nisa Education

.....Petitioner

versus

Ministry of Human Resources Development and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pankaj Maini, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is a registered Society allegedly established with the aim and objective of espousing the cause of private schools, who are its members. In the present writ petition, challenge has been laid to order dated 18.09.2018 issued by the District Education Officer, U.T. Chandigarh to all Principals, Heads of Government, Government Aided and Private Schools in U.T. Chandigarh directing them to comply with judgment dated 29.05.2018 passed by the Madras High Court in *M. Purushothaman vs. Union of India and others*. The argument raised by learned counsel for the petitioner is that the said judgment relies upon a circular dated 06.02.2014 of the CBSE whereas the circular dated 06.02.2014 has already been set aside by the Delhi High Court in a judgment passed in February, 2018.

Since the judgment in *M. Purushothaman's case* is dated 29.05.2018, the fact that the circular dated 06.02.2014 was considered and opined upon by the Delhi High Court in February 2018 would have been taken into consideration by the Madras High Court. In any case, the judgment passed in *M. Purushothaman case*, admittedly, has not been set aside by the Hon'ble Supreme Court till date and, therefore, the directions contained therein have to be complied with.

For the aforementioned reasons, there is no merit in the present writ petition and the same is dismissed.

February 03, 2020
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No