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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.13833 of 2017

and

W.M.P.Nos.15019 to 15021 of 2017

Students-Parents Welfare Association
Ravindra Bharathi Global School,
Represented by its Secretary

...Petitioner

Vs

1.Ministry of Human Resources Development
Represented by its Secretary, Shastri Bhavan,
New Delhi.

2.The Chairman,
Central Board of Secondary Education (CBSE),
Shiksha Kendra, No.2 Community Centre,
Preet Vihar, Delhi -110092.

3.The Chairman, Affiliation Committee
Central Board of Secondary Education (CBSE),
Shiksha Kendra, No.2 Community Centre,
Preet Vihar, Delhi -110092.

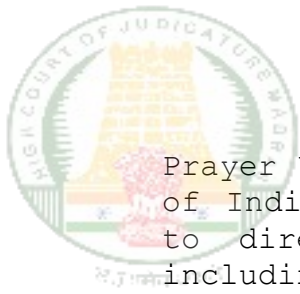
4.The Regional Officer,
Central Board of Secondary Education, Chennai
3, J Block, 16th Main Road,
Anna Nagar West, Chennai - 600040.

5.The Principal/Correspondent,
Ravindra Bharathi Global School,
41-B, Medavakkam Main Road,
Keelkattalai, Chennai -600 117.

6.The State of Tamilnadu,
Represented by its Secretary,
School Education,
St.George Fort,
Chennai-5.

... Respondents

(R6 - suo motu impleaded as per
order dated 21.08.2017 by NKKJ
in W.P.No.13833 of 2017)



Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, seeking to direct the respondents 2 to 4 to conduct an enquiry, including audit into the malpractices and violations of the fifth respondent and take appropriate action including initiation of disaffiliation proceeding and penal action based on petitioner's representations dated 03.02.2016 and 06.02.2016 to the respondents 2 and 4.

For Petitioner	:	Mr.N.S.Tanvi
For R1	:	Mr.J.Madanagopal Rao Senior Panel Counsel
For R2 to R4	:	Mr.G.Nagarajan
For R5	:	Mr.Abdul Saleem
For R6	:	Mr.K.M.D.Muhilan Government Advocate

ORDER

This Writ Petition has been filed seeking to direct the respondents 2 to 4 to conduct an enquiry, including audit into the malpractices and violations of the fifth respondent and take appropriate action including initiation of disaffiliation proceeding and penal action based on the petitioner's representations dated 03.02.2016 and 06.02.2016 to the respondents 2 and 4.

2.When the matter is taken up for hearing today, Mr.G.Nagarajan, learned Standing Counsel for the second respondent submits that subsequent to the filing of the Writ Petition, the representation received from the petitioner was considered, inspection was also conducted and they have found some malpractice of the fifth respondent. Therefore, the affiliation of the School was cancelled vide order dated 28.02.2018. The cancellation order was under challenge in W.P.No.7200 of 2018. Hence, the prayer sought for in this Writ Petition has become infructuous.

3.The learned counsel for the petitioner also submitted that the affiliation of the School was cancelled and the same was under challenge. Further, he submitted that the petitioner has filed Miscellaneous Petition seeking to refund the excess fee collected by the Fee Committee, which was not



considered by the second respondent.

4. In view of the submission made by the learned Standing Counsel for the second respondent that they have taken necessary action considering the representation of the petitioner and the affiliation of the School was cancelled vide order dated 28.02.2018, this Court is of the view that the prayer sought for in this Writ Petition has become infructuous. However, with regard to the refund of the fees collected by the School, it is open to the petitioner to make a representation to the School and in such case, the School shall consider and take appropriate action in the manner known to the law.

5. Accordingly, this Writ Petition is dismissed as Infructuous. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. Ministry of Human Resources Development
Represented by its Secretary, Shastri Bhavan,
New Delhi.
2. The Chairman,
Central Board of Secondary Education (CBSE),
Shiksha Kendra, No.2 Community Centre,
Preet Vihar, Delhi -110092.
3. The Chairman, Affiliation Committee
Central Board of Secondary Education (CBSE),
Shiksha Kendra, No.2 Community Centre,
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4. The Regional Officer,
Central Board of Secondary Education, Chennai
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5.The Principal/Correspondent,
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6.The State of Tamilnadu,
Represented by its Secretary,
School Education,
St.George Fort,
Chennai-5.

+1cc to Mr.Abdul Saleem, Advocate SR.No.58649

W.P.No.13833 of 2017
and W.M.P.Nos.15019 to 15021 of 2017

KSM(CO)
GN(01/12/2021)