

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.209

CWP No.12389 of 2021

Date of Decision : November 02, 2021

Ameliorating India, NGO

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naresh Ghai , Advocate, for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner-society has established a school at Ludhiana. Vide application dated 28.03.2019, it applied to respondent No.3 for recognition. After completion of all necessary formalities, letter dated 11.02.2021 was issued granting provisional recognition for three years.

Learned counsel for the petitioner has submitted that the provisions of the Right of Children to Free and Compulsary Education Act, 2009 (hereinafter referred to as the Act) do not envisage provisional recognition for a school set up after coming into force of the said Act. Provisional recognition for a period of three years is only for those schools who were in existence prior to the coming into force of the Act to enable them to meet the standards and norms prescribed by the Act. Thus, grant of provisional recognition is illegal. Accordingly, a direction be issued to respondents to grant permanent recognition.

In the reply filed on behalf of the respondents, reliance is being placed upon instructions dated 15.01.2020 issued by respondent No.2. Apart from the same, there is no other justification forthcoming.

A perusal of the instructions dated 15.01.2020 shows that the same have been issued to bring uniformity as recognition was being granted in different cases for 1/2 year or permanently. Statedly, the same is a violation of norms/rules under the Act.

A perusal of the Act shows that Sections 18 & 19 govern the issue of recognition. According to Section 18, no school shall be established without obtaining a certificate of recognition. There is an exception in favour of schools established on and controlled by the appropriate Government or a local authority. It further stipulates that recognition shall be granted on fulfilment of norms and standards specified under the Act. In case of contravention of any of the conditions of recognition, the same shall be liable to be withdrawn. Section 19 of the Act is regarding norms and standards to be fulfilled. Schedule to the Act prescribes the norms and standards. In respect of existing schools, it stipulates that they shall take steps to fulfill the norms and standards within a period of three years from the date of commencement of the Act, failing which recognition shall be liable to be withdrawn.

Neither of the aforementioned provisions provides for provisional recognition. Thus, instructions dated 15.01.2020 (Annexure R-2) are without jurisdiction. They are thus liable to be ignored.

For the aforementioned reasons, the writ petition deserves to be allowed. It is accordingly allowed. Respondent No.3 is directed to issue a fresh recognition certificate stating that the recognition is permanent in nature and takes effect from the date provisional recognition was granted vide communication dated 11.02.2021 (Annexure P-7).

November 02, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No