

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20383 of 2019

Janmajayee Sethi

....

Petitioner

Mr. B.Mohanty
Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. P.K.Panda,
Standing Counsel S & M.E

Mr. P. Mukherji, Advocate
(For O.P.No.2)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.9.2022.

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner, learned Standing Counsel for the School and Mass Education Department and learned counsel for Opposite Party No.2.
3. The Petitioner has approached this Court seeking the following relief:-

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit this writ

application, issue Rule NISI in the nature of writ of certiorari/mandamus calling upon the Opp. Parties to show cause as to why the letter dtd.18.6.2019 vide Annexure-4 issued by the Opp. Party No.2 shall not be set aside/quashed and further as to why the Opp. Party No.2 shall not be directed to re-affiliated the School with immediate effect.”

4. The Petitioner’s School was affiliated to the Indian School Certificate Examination (ICSE), New Delhi. Subsequently the School was disaffiliated vide letter dated 18th June, 2019. In the mean time, as per directions issued by the Collector, Bhadrak (Opposite Party No.3) in Misc. Case No.10/2019, the Sub-Collector, Bhadrak was appointed as the Administrator of the School with instructions to appoint the new Managing Committee within a period of three months. It is submitted that in the mean time, the Managing Committee has been formed. Subsequently, the School applied for re-affiliation in the prescribed format to the ICSE. As per affidavit filed on behalf of the ICSE, it is mentioned in paragraph-5 as follows:

“That on dated 30.6.2022 an application has been received from the petitioner for consideration of the re-affiliation of the Sunshine Mission School. Therefore, the Opposite Party does not have any objection to grant the re-affiliation of the school under clause IV of the CISE Rules for Affiliation provided the schools applies afresh online application through the CISCE website (www.cisce.org) and fulfil all the requirements as prescribed in the CISCE Rules for Affiliation. The school should not

admit students in Class IX prior to the affiliation of the School.”

5. In course of hearing, it is submitted by Shri P.Mukherji, learned counsel appearing for the Council for the Indian School Certification Examination (Opposite Party No.2) that the Petitioner’s application can be considered for re-affiliation in terms of Rule IV of the CISCE Rules for affiliation provided it satisfies all the requirements of the Council.

6. Since the application for re-affiliation is pending with the CISCE and a decision is to be taken by it basing on the Rules, without expressing any opinion on the merits of the case, the Writ Petition is disposed of with a direction to the Opposite Party No.2 to consider and dispose of the application for re-affiliation of the School within a period of four weeks from today.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge