

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

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C.W.P. No. 8493 of 2022

Date of Decision:- 26.04.2022

Master Harry and others

....Petitioners

vs.

Union of India and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Amit Jhanji, Senior Advocate with
Mr. Yagyaang Ajay, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners are students of respondent No.4 which holds a franchise from respondent No.3 under agreement dated 07.10.2002. Vide order dated 30.03.2021 (Annexure P-10), respondent No.3 has informed respondent No.4 that the agreement would be terminated w.e.f. 01.04.2022. This writ petition has been filed on the apprehension that the students studying in respondent No.4 would be adversely affected as the school would shut down and they would have nowhere to go.

Learned Senior counsel for the petitioners has referred to clauses 15.1 and 15.2 of the Affiliation Bye-laws 2018 of the Central Board of Secondary Education (hereinafter referred to as 'CBSE') to submit that on termination of the franchise agreement aforementioned, respondent No.4 would be de-affiliated from CBSE and, thus, the educational interests of the students would be adversely affected. It has also been argued that recognition is also likely to be withdrawn. He has also referred to order dated 18.11.2021 passed by the Hon'ble Andhra Pradesh High Court wherein the order of termination has been stayed in a similar case in

which respondent No.3 had granted a franchise to a school in Vishakhapatnam.

In my considered view, the arguments are not entitled to be accepted.

Clause 15.1 of the Affiliation Bye-Laws aforementioned provides that a school seeking affiliation to the CBSE is entitled to enter into an agreement for grant of a franchise and according to Clause 15.2, such a school can be transferred from one society to another society only after the Board grants approval. Thus, the submission is that in case the Board does not grant approval, the affiliation would be withdrawn. This is a mere apprehension and Courts do not entertain petitions on the basis of such apprehensions. The argument is consequently rejected. The argument regarding withdrawal of recognition is also based on an apprehension and the same also deserves to be rejected for the reason aforementioned.

Regarding the order dated 18.11.2021 passed by the Andhra Pradesh High Court, I only wish to record with due respect that the facts of that case are not very clear and, thus, the reliance upon the same cannot be accepted.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

April 26, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No