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

**LPA No.345 of 2022 (O&M)**

**Date of decision: 02.05.2022**

**MASTER HARRY AND ORS.**

**....APPELLANTS**

**Versus**

**UNION OF INDIA AND ORS.**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI**

**HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Yagyaang Ajay, Advocate  
for the appellants.

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**SANDEEP MOUDGIL, J.**

**CM-881-LPA-2022**

This is an application under Section 151 CPC for exemption from filing the certified/typed copies of the impugned order dated 26.04.2022 including writ petition & CM Application along with appended Annexures and with further permission to file the photocopies of the same.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Copies of the impugned order dated 26.04.2022 including writ petition & CM Application along with appended Annexures are taken on record. Exemption sought for is granted.

**LPA No.345 of 2022**

the order dated 26.04.2022, passed by the learned Single Judge, vide which the writ petition filed by the appellants has been dismissed, upholding the communication/order dated 30.03.2021 (Annexure P-10), issued by respondent No.3, terminating the agreement dated 07.10.2002 (Annexure P-2), between respondent No.3 and respondent No.4 w.e.f. 01.04.2022, vide which respondent No.4 could use the name/logo i.e. Delhi Public School/DPS.

2. The factual matrix as backdrop leading to the filing of the present appeal are that the appellants are students of Delhi Public School, Panipat studying in different classes including the undisputed fact on record is that respondent No.4-Delhi Public School, Panipat is run and managed by M/s Sidhartha Educational and Welfare Society (hereinafter referred to as 'SEWS'), since 2003. The agreement shall enter into between respondent No.4-Delhi Public School, Panipat and respondent No.3-Delhi Public School Society dated 07.10.2022 (Annexure P-2). The Government of Haryana granted permission through Director, Secondary Education, Haryana to respondent No.4 to open the new school under the Haryana School Education Rules, 2003 (hereinafter referred to as 'Rules, 2003') vide letter dated 12.02.2004 (Annexure P-3), which was followed by permanent recognition on 30.06.2004 (Annexure P-4) to run the institute for the classes from 1<sup>st</sup> to 10<sup>th</sup>. The Director, Secondary Education, Haryana also issued No Objection Certificate in favour of respondent No.4 dated 30.06.2004 to seek affiliation upto 10<sup>th</sup> Class from respondent No.2-Central Board of Secondary Education (hereinafter referred to as 'CBSE') and the respondent No.2-CBSE granted fresh composite provisional affiliation for a period of 3

years w.e.f. 01.04.2004 till 31.03.2007 vide its letter dated 05.10.2004 (Annexure P-5) in the name of Delhi Public School, Panipat, Haryana. The No Objection Certificate was granted by the Director, Secondary Education, Haryana to seek CBSE Affiliation upto Class 12<sup>th</sup> vide order dated 08.12.2006 and the provisional affiliation for Classes 11<sup>th</sup> and 12<sup>th</sup> was further granted for a period of three years commencing from 01.04.2007 till 31.03.2010 by respondent No.2-CBSE vide letter dated 09.03.2007.

3. The respondent No.2-CBSE extended the affiliation of the Delhi Public School, Panipat-respondent No.4 from time to time for a period of five years commencing from 01.04.2010 till 31.03.2015 vide its letter dated 22.07.2010. In the same manner, the said affiliation was also extended for another five years from 01.04.2015 till 31.03.2020 vide letter dated 03.07.2015 (Annexure P-7) and subsequently for the period from 01.04.2020 till 31.03.2025 vide its letter dated 03.10.2020 (Annexure P-8). The dispute arose, the moment appellants-students came to know about the withdrawal of name and logo of respondent No.4-Delhi Public School, Panipat by respondent No.3-Delhi Public School Society and to this effect a representation was made by the students of the institute dated 14.04.2022 (Annexure P-9), however, no satisfactory response had been given to the appellants-students either by respondent No.3 or respondent No.4, who were compelled to approach this Court vide CWP No.8493 of 2022 to quash the notice of termination of agreement dated 30.03.2021 (Annexure P-10) with a further direction to respondent No.2 and respondent No.3 not to take any adverse action against the appellants-students studying in different classes of respondent No.4.

4. The learned Single Judge dismissed the writ petition, having been filed merely on the basis of apprehension and refuse to entertain the same.

5. Learned counsel for the appellants contended while impugning the order dated 26.04.2022 passed by the learned Single Judge seeking redressal of the grievance with the averment that the learned Single Judge has ignored that the school is in existence for the last more than 20 years and the parity with the decision of the High Court of Andhra Pradesh, Amravati Bench in Writ Petition No.24936 of 2021 decided on 18.11.2021 (Annexure P-11) has been rejected on surmises and conjectures. It has been further asserted on behalf of the appellants that the competent authorities granted approval for running the school and affiliation was also extended by respondent No.2-CBSE from time to time, which is valid till 31.03.2025, meaning thereby, the due procedure was followed and that the school was being run by respondent No.4 adhering to those Rules only in pursuance to the permissions and approvals granted from time to time. The agreement dated 07.10.2002 (Annexure P-2) and the aforesaid procedure have been totally ignored by the learned Single Judge, wherefrom it is crystal clear that the agreement refers to 'Board of Management' to be responsible for running and supervising the school, which is chaired by the Chairman of respondent No.3-Delhi Public School Society and the majority of the Board of Management will be controlled by the nominees of respondent No.3. Lastly, Mr. Yagyaang Ajay, learned Advocate for the appellants refers to Clause 15.2 of the Affiliation Bye-laws, 2018 of respondent No.2-CBSE to submit that on termination of the franchise agreement between respondent No.3 and respondent No.4, the school of the appellants would be de-affiliated from the

Central Board of Secondary Education and it would cause direct harm to the appellants, which are not taken into account by the learned Single Judge while passing the order dated 26.04.2022.

6. Having heard learned counsel for the appellants and after going through the material on record, we find no merit in the present appeal.

7. The question to be adjudicated before this Court is as to whether any prejudice has been caused to the students-appellants in the light of order dated 30.03.2021 (Annexure P-10) for termination of the agreement dated 07.10.2002 (Annexure P-2) w.e.f. 01.04.2022.

8. We are sanguine of the fact regarding fear in the mind of the students-appellants qua automatic withdrawal of the recognition by respondent No.2-CBSE in the eventuality of termination of aforesaid agreement, is mere an apprehension particularly in the light of Clause 15.1 of the Affiliation Bye-laws, 2018 of the CBSE. Clause 15.1 envisage that a school seeking affiliation to the CBSE is entitled to seek franchise by entering into an agreement, which can be transferred from one society to another society though with a rider of approval by the Board. The whole stress before this Court has been laid on the basis of unknown fear and mere apprehension that in case, respondent No.4 fails to get approval by the CBSE, the affiliation would be withdrawn. Such plea, at this stage, is totally unwarranted and do not warrant any interference by this Court. Moreover, the writ petition from the record shows that it has been filed on 20.04.2022 i.e. much after termination of the agreement, which came into effect from 01.04.2022 as is evident on perusal of the notice impugned dated 30.03.2021 (Annexure P-10).

9. While examining the issue of parity sought with the order dated 18.11.2021 (Annexure P-11) passed by the High Court of Andhra Pradesh at Amravati, we are of the considered view that the learned Single Judge has rightly refused to accept giving reasons to the effect that the facts of that case have not been placed before the Court and neither in the present appeal by the appellants.

10. This Court, in the light of discussion and reasons recorded hereinabove, do not find merit in the instant appeal and, thus, dismissed.

11. Ordered accordingly.

12. Since the main appeal stands dismissed, all pending miscellaneous application(s), if any, will also rendered infructuous.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**02.05.2022**  
*Poonam Negi*

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No