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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5923 OF 2024

Bhagirath Bapushahe Gaikwad Charitable
Foundation Pioneer Public School (CBSE),
through its Secretary .. Petitioner

Versus

Union of India,
Through its Secretary Department of School,
Education and Literacy and Ors. .. Respondents

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- Mr. Vishal Kanade a/w. Mr. Bhalchandra S. Shinde, Advocate for Petitioner.
 - Ms. Manisha Singh a/w. Mr. Rahul Kamerkar, Advocate for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2024.

P.C.:

1. Heard Mr. Kanade, learned Advocate for Petitioner and Ms. Singh, learned Advocate for Respondent No.2 through V.C.

2. The order impugned in the present Writ Petition is dated 22.03.2024 which is at Exhibit “E” - page No.53 of the Writ Petition passed by Joint Secretary (Affiliation) i.e. Respondent No.3.

3. Mr. Kanade, learned Advocate for Petitioner would submit that the present Writ Petition takes exception to the order dated 22.03.2024 passed by Respondent No.3. He would however inform the Court that the statutory Appeal which is in the form of representation under Clause 13.10 of the Bye-laws, which are

Affiliation bye-laws, 2018 issued by the CBSE govern the matters relating to affiliation of schools with the CBSE has already been filed on 30.03.2024. Copy of the said representation is at page No.55 of the Writ Petition. It is seen that as per clause 13.10 of the bye-laws, the school against which any penalty has been imposed has a right to make a representation against the order of the Board imposing penalty and the school has to be given an opportunity of making representation against the said order of the Board. Clause 13.12 provides that after considering the representation, the Board has to pass an appropriate order.

4. Having regard to the fact that the Petitioner has a right to make representation which is pending before the Board, it is necessary that Respondent – Board shall consider the said representation strictly in accordance with law.

5. In view of the above, present Writ Petition is disposed of with a direction to the Respondent namely Respondent No.3 – Board to consider the representation dated 30.03.2024 being the representation on behalf of the Writ Petitioner and pass an appropriate decision thereon as expeditiously as possible and preferably within a period of four weeks from today after hearing the Writ Petitioner. Till such time, that the representation is decided by the Board and the final order is passed on the said representation, the impugned order shall

not be given effect to by the Respondent No.3 – Board.

6. Copy of this order shall be placed before the Respondent – Board alongwith the copy of Writ Petition for their reference and information.

7. It is clarified that, whoever is the Competent Authority whether it is Respondent No.2 or Respondent No.3, it shall hear and decided the representation in terms of the above directions and pass a reasoned order.

8. With the above observations and directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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