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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-12146-2015(O&M)  
Date of decision: 25.07.2024

AMIR EDUCATIONAL SOCIETY

...Petitioner

VERSUS

CENTRAL BOARD OF SECONDARY EDUCATION AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Hemen Aggarwal, Advocate, for the petitioner.

Mr. Nitin Kant Setia, Advocate, for the respondents.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 19.08.2014 (Annexure P-11) passed by the respondents.

2. Learned counsel appearing on behalf of the petitioner while narrating the facts of the case submitted that the petitioner-Society was granted affiliation by the respondent-CBSE vide Annexure P-1 on 17.09.1999 to run Neo Convent Public School, Tejli Road, Jagadhri. Thereafter, the aforesaid affiliation was extended for three years vide Annexure P-2 and again the affiliation was extended for a further period of five years vide Annexure P-3.



Vide Annexure P-4, again the affiliation was extended for a period of five years and thereafter, the affiliation went up till 31.03.2015.

3. Learned counsel further submitted that one complaint was received by the respondent-CBSE from an individual namely, Dharamveer vide Annexure R-1 dated 24.03.2012 attached with the reply and he pointed out various discrepancies in the School. Acting upon the aforesaid complaint, the respondent-CBSE constituted one member committee comprising of Assistant Secretary of the respondent-CBSE to conduct a surprise physical inspection who gave his report vide Annexure R-2 dated 12.09.2012 and in the aforesaid report, he gave several findings and recommendations based upon various facts which he had seen at the time of inspection. Thereafter, on the basis of the aforesaid one member committee report, the respondent-CBSE issued a show-cause notice to the petitioner vide Annexure P-9 dated 12/26.12.2012. He further submitted that a perusal of the aforesaid show-cause notice would show that various irregularities have been committed by the petitioner in his aforesaid School. The petitioner filed a reply to the aforesaid show-cause notice vide Annexure P-10 dated 23.01.2013 in which he rather gave point-wise detailed answers to each and every allegation being levelled against the petitioner in detail. He submitted that however when the impugned order (Annexure P-11) has been passed whereby the petitioner-School has been disaffiliated, none of the allegations were raised in the show-cause notice and reply filed by the petitioner has been adequately considered except for one point pertaining to the shifting of the School at a different place. He further submitted that in this way the aforesaid impugned order which has been passed is not only non-speaking and cryptic but it has been passed with a pre-determined mind. He submitted that once a show-cause notice has been issued



to the petitioner by pointing out various discrepancies and which have been replied by the petitioner in the reply, then reply on each and every point had to be considered before taking any action against the petitioner in accordance with law but the aforesaid order is *ipsi dixit* of the officer who had passed the impugned order and therefore, the same is liable to be set aside and quashed being totally unreasoned order. He submitted that non-application of mind is also depicted from para No.7 of the show-cause notice wherein it has been so stated by the respondents that the School has failed to show all the records to the Inspection Committee Members, whereas it was only one member committee and which shows that the entire exercise has been carried out with a pre-determined mind. He submitted that the aforesaid impugned order is liable to be quashed and permission may be granted to the petitioner to file a fresh application for grant of affiliation in this regard.

4. On the other hand, learned counsel appearing on behalf of the respondent-CBSE submitted that considering the aforesaid submissions made by the learned counsel for the petitioner, the respondent-CBSE has no objection in case the petitioner now files any fresh application for grant of affiliation and in case he files such an application, then the same will be processed strictly in accordance with law after physical inspection and by not only joining the petitioner but also giving an adequate opportunity to the petitioner in all respects pertaining to the physical inspection and the records etc. He also submitted that in the event of the petitioner filing any such fresh application, the same will be processed and finalized within a period of three months.

5. After hearing the learned counsel for the parties, this Court is of the considered view that keeping in view the submissions made by the learned counsel for the respondents that they have no objection in case the petitioner



files any fresh application for grant of affiliation, then the same will be considered strictly in accordance with law by adopting due procedure and also by following the principles of nature justice, this Court is of the view that the present petition deserves to be allowed also on the ground that the impugned order (Annexure P-11) is *ex facie* unreasoned order because it has not considered the reply filed by the petitioner except for one point.

6. In view of the above, the present petition is allowed. The impugned order dated 19.08.2014 (Annexure P-11) is hereby set aside and quashed. Liberty is granted to the petitioner to make any fresh application to the respondent-CBSE seeking affiliation etc. in accordance with rules and in the event of the petitioner doing so, the respondent-Board shall consider and process the application filed by the petitioner in accordance with law and finalise the same within a period of three months.

(JASGURPREET SINGH PURI)  
JUDGE

25.07.2024  
rakesh

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