

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12304 of 2021**

Dr. Zakir Hussain 10 plus 2 High School Sultanganj, Patna, Bihar through its Secretary Mumtaz Ahmad, male, aged about 59 years, S/o Ejaz Ahmad, R/o Garhua Tola, Lane Opposite Sultanganj Thana, Near Kanji House, Sultanganj, Mahendru, Patna-800006.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Patna.
2. The Director, Higher Education, Bihar, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. The Director (Academic), Bihar School Examination Board, Patna.
6. Dr. Mohammad Nazar Imam Son of Qasim Ahsan Warsi Ex-Secretary, Dr. Zakir Hussain Millat Memorial Educational Society, Dr. Zakir Hussain High School Campus, Patna-800006.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 13142 of 2023**

1. Abdus Sattar S/o Jalil Ahmad, R/o Chhota Badheya, Sarfara, P.S. Barauli, District Gopalganj- 841405.
2. Mahjabeen Naz, D/o Md. Qasim Ahsan, R/o Mahendru, Naugarwa, Patna - 800006.
3. Perveen Jahan, W/o Gauhar Alam, R/O Banwari Chouk, New Azimabad Colony, Mahendru, Patna - 800006.
4. Md. Waris Imam Warsi, S/o Md. Qasim Ahsan Warsi, R/o Naugarwa, Sultanganj, Patna, Bihar 800006.
5. Md. Mateen, S/o Md. Hashim, R/o Dargah Road, Sultanganj, Patna, Bihar- 800006.
6. Md. Naqui Imam Warsi, S/o Md. Qasim Ahsan, R/o Mandai, Sultanganj, Patna - 800006.
7. Md. Ali Imam, S/o Md. Fahimuddin, R/o New Azimabad Colony, Sultanganj, Patna, Bihar 800006.



... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna - 800015.
2. The Director, Secondary Education, Government of Bihar, Govt of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The District Education Officer, Patna.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 12304 of 2021)

For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.  
Mr. Suman Kumar, Adv.

For the Respondent/s : Mr P. Mishra, AC to SC-16

For the Resp-BSEB : Mr. Siddhartha Prasad, Adv.

(In Civil Writ Jurisdiction Case No. 13142 of 2023)

For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.  
Mr. Avanindra Kumar Jha, Adv.

For the Respondent/s : Mr. Madhaw Prasad Yadaw, GP-23

For the Resp-BSEB : Mr. Siddhartha Prasad, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 09-12-2025**

Heard Mr. Purushottam Kumar Jha, along with Mr. Avanindra Kumar Jha, learned Advocate for the petitioners, learned Standing Counsel No. 16 and Government Pleader No. 23 for the State and Mr. Siddhartha Prasad, learned Advocate for the Bihar School Examination Board (for short 'the BSEB').

2. The school, represented through its Secretary in CWJC No. 12304 of 2021, is aggrieved with the letter no. BSEB (SS) Coll-Estab/806/D-2021 dated 14.06.2021 issued by the respondent-Director (Academic), BSEB, whereby the



recognition and affiliation, including code of the petitioner-school (Secondary Code 71102 and Higher Secondary Code 17011) has been cancelled.

3. The petitioners in CWJC No. 13142 of 2023 are the teaching and non-teaching employees of the school, who have preferred the writ petition for a direction upon the concerned respondents to make the payment of monthly salary, which has been withheld by the District Education Officer, Patna, from the month of June 2021.

4. Since the order of de-affiliation of the school, in question, is under challenge in CWJC No. 12304 of 2021, and the claim of the petitioners in CWJC No. 13142 of 2024 is dependent upon the outcome of the afore-noted writ petition, hence, both the matters are being heard together and disposed off by this common order.

5. The facts of the case briefly stated are that the school in question, namely Dr. Zakir Hussain High School, Sultanganj, Patna, was established on 06.01.1970. Subsequently, under the provisions of the Society Registration Act, “Dr. Zakir Hussain Millat Memorial Education Society” was registered on 29.06.1978. Further, under the order of the Hon’ble Governor of Bihar, the Department of Education, Government of Bihar, vide



Memo No. 1999 dated 02.10.1980, had acquired 2860 Non-Government Secondary Schools in the State of Bihar, including the present school with effect from 02.10.1980. It is the specific case of the petitioner that before conferring the status of Government-Aided Minority School to the school in hand, the matter was placed before the Hon'ble State Education Minister, who recommended affiliation of the school by waiving the condition of land and building. Based upon said decision of the Hon'ble Education Minister, the Director, Secondary Education, Government of Bihar, Patna, vide Memo No. 10235-44 dated 19.04.1983, conferred the status of minority school, and thereby the services of teaching and non-teaching employees of the said school have been granted approval. Upon grant of approval by the State Government of Bihar, the authorities concerned of the Education Department started making payment of salary to the teaching and non-teaching employees of the school in the regular pay scale till May 2021. It is further contended that during the interregnum period, vide Memo No. 648 dated 03.09.1991, the then Director, Secondary Education, Government of Bihar, Patna, has granted permission to the school in hand to impart teaching of +2 students in Arts, Science, and Commerce from the session 1991-1992.



Accordingly, the school had been authorized to admit 100 students in Arts, 75 students in Science, and 50 students in Commerce.

6. Notwithstanding the aforesaid facts, which are not in dispute; on 06.04.2021, the BSEB received a complaint against the school, which led to the constitution of a Three-Member Enquiry Committee. On 10.04.2021, the Committee visited the school, however, the Principal of the said school could not provide the required documents and requested more time. The Director (Academic), BSEB, under Memo No. 302 dated 13.04.2021, allowed one week's time to the Secretary of the school. Despite the time allowed, when the required documents had not been furnished, the respondent-Director (Academic), BSEB, vide its letter number 743 dated 29.04.2021, put the affiliation of the school under suspension and issued a show cause notice as to why permanent affiliation of the school should not be cancelled.

7. The petitioner replied to the show cause but did not find any favour and finally the impugned order came to be passed, which is put to challenge in the present writ petition.

8. Mr. Purushottam Kumar Jha, learned Advocate for the petitioner, while assailing the impugned order, submitted



that besides procedural lapses and *malafide*, no written notice has been issued, and only telephonic intimation was given to the Principal. Suspension of affiliation code during peak of COVID-19 pandemic clearly shows haste and ulterior motive. The very initiation of inspection of the school was acted upon an anonymous complaint without any basis, and no copy of the complaint has ever been handed over to the petitioner; thus, the entire order suffers from the vice of the violation of the principles of natural justice. It is admitted that the letter no. 227 dated 29.06.1982 issued by the Regional Deputy Director, Patna Division, clearly states that minority schools like the petitioner can be granted permanent affiliation by relaxing building/land requirements, and the said order of Regional Deputy Director of Education is still in force. At the time of affiliation, the condition regarding certain requirement of land was relaxed by the then Education Minister for minority schools, in the light of the prescription of Bihar Education Board, Ordinance, 1974 read with Bihar Education Board Act, 1976 where there had been no specific requirement of land for grant of approval to the secondary school. All the more, the affiliation was obtained in the year 1983; hence, the rules and regulations which were applicable at that point of time, and to be more precise, the



Bihar Non-Government Secondary School (Taking Over of Management and Control) Act, 1981, will apply to the school, and in no case the Bihar School Examination Board 2013 Affiliation Rules as well as Bihar School Examination Board Act, 2019 would apply to the school in question.

9. Referring to the impugned order, learned Advocate for the petitioner further contended that regarding allegation of infirmity in the appointment of the Principal of the school, it is needless to state that the same was done by the management on the recommendation of the Vidyalaya Seva Board vide letter no. 1755 dated 01.07.1996 issued by the District Education Officer, Patna. Thus, no fault could be attributed to the school. Moreover, the Principal Md. Naqui Imam, is possessing all the qualifications to be appointed as Principal under the rules. There is no provision authorizing de-affiliation for *malafide* appointment of the Principal of the school. In case the appointment of the Principal is said to be bad or illegal, proper action was required to be taken against the petitioner, but in no circumstances the affiliation of the school should be cancelled. The allegation of misappropriation of Government funds is also false in view of the fact that the funds received under the Poshak and Cycle schemes were directly transferred to the students via



Direct Benefit Transfer (DBT).

10. Mr. Purushottam Kumar Jha, learned Advocate for the petitioner further submitted that over the period, many schools were granted recognition without meeting land/building requirements, and they continue to run. To support the aforesaid contention, a list of 28 schools provided by filing Interlocutory Application No. 1 of 2021 has been brought on record, and thus a plea of patent discrimination has been alleged. The action of the respondent-BSEB is said to be violative of Article 14 of the Constitution of India, as on the one hand, the BSEB cancelled the affiliation of the school in spite of having infrastructure, and on the other hand, the respondent-BSEB allowed such Government schools which are landless and building-less. It is lastly contended that since the respondent-BSEB has not granted affiliation to the petitioner-school; hence, the-respondent BSEB could not have cancelled the affiliation of the petitioner- school, and thus the impugned order is fit to be set aside.

11. Mr. Siddhartha Prasad, learned Advocate for the BSEB, taking this Court through the impugned order, submitted that besides the same being a detailed and reasoned order, it has been passed in conformity with the due process of law under the specific prescription of the BSEB Act, 2019 and the BSEB



(Senior Secondary) Affiliation Regulation, 2011 (as amended 2013) with adequate opportunity provided to the petitioner. The Enquiry Committee conducted on-spot inspection, but the school management failed to produce required documents, which led to the issuance of suspension of the school affiliation, following with a show cause notice. After the suspension of affiliation, the petitioner submitted its reply. A proper enquiry was undertaken and a report was submitted, which was duly examined by the Director (Academic), BSEB, and on being found that the school did not possess the prescribed land area as per Regulation 3(3)(D), Chapter 2, BSEB Affiliation Regulation 2013, as well as the records submitted by the school had been interpolated, the impugned order cancelling the affiliation and codes was passed. The enquiry report also shows infirmity in the appointment of the Principal, who was initially appointed as a clerk in the school and later on appointed as a Principal without having the prescribed eligibility.

12. Mr. Siddharth Prasad, learned Advocate for the BSEB further contended that it is not in dispute that the recognition and affiliation of schools are presently governed by the Bihar School Examination Board (Senior Secondary) Affiliation Regulation, 2011 which clearly prescribes mandatory



land requirement under Chapter 2, Regulation 3(3), that a school must possess at least 1158 square metres (0.29 acres) of land for physical infrastructure and a minimum playground of one acre (shared in urban areas) and in cities, land should not be less than one acre with a minimum of two acres of total land area (either owned or on a 30-year lease). Under Regulation 15(3)(vii) of the 2011 Regulations, the BSEB is empowered with the authority to withdraw affiliation on the ground of non-availability of proper space, staff, or equipment for teaching. The petitioner was properly noticed and extended the opportunity of being heard. The reply of the petitioner was duly considered before passing the impugned order.

13. So far the contention of the petitioner with respect to other schools which do not fulfill the requisite land criteria, it has been informed to this Court that necessary action and enquiry is being done against those schools in accordance with law.

14. Mr Prasad, lastly contended that the Affiliation Regulation 2011 provides no power to waive/relax statutory conditions, thus the Regional Deputy Director of Education, Patna, had no authority to relax affiliation conditions. So far as the issue regarding competence of the BSEB to inspect schools



which have been violated pre requisite terms and conditions prior to its coming into force has been decided affirmatively by this Court in CWJC No. 8752 of 2017 and further in LPA No. 1478 of 2017; hence in the ground afore-noted, he prayed for dismissal of the present writ petition.

15. Learned Advocate for the State and the private respondents have also filed separate counter affidavits and, while adopting the submissions advanced by the learned Advocate for the respondent-BSEB, have submitted that since the petitioner-school does not possess the mandatory requirement for affiliation, hence there is no infirmity in the order impugned. It is also informed that Title Suit No. 80 of 2022 is pending before the learned Sub-Judge 1<sup>st</sup> Patna, whereby it is alleged that the society illegally mutated the part of the school's land and thus it is yet to be decided in title suit. The private respondent also alleged fraud in the mutation process and an FIR has also been instituted against the petitioner under the penal provisions of the Indian Penal Code.

16. After having careful consideration of the submissions advanced by the learned Advocate for the respective parties, the issues which have cropped up and require determination are as follows:-



(i) Whether the action of the BSEB in cancelling the affiliation of the petitioner-school on account of the school having no requisite land as per the Regulations 2011, while allowing similarly situated other allegedly violating schools, is a violation of Right To Equality under Article 14?

(ii) Whether statutory conditions be waived off by an executive order or the authorities of the State Government?

(iii) Whether the BSEB has the power to inspect schools which have been affiliated prior to its coming into force of Regulation 2011?

(iv) Whether minority institutions can be given autonomy/relaxation from application of certain statutory measures that regulate their working on account of protection of minority institution?

17. Before dealing with the issue (i), it would be pertinent to state that it is the admitted position that the petitioner school is only possessing 9 katha of land under the ownership of society. However, under the Regulation 2011, especially Regulation 3 of Chapter 2 stipulates that a school must possess at least 1158 square metres of land for physical infrastructure, a minimum playground of one acre (shared in urban areas) and in cities, land should not be less than one acre,



with minimum two acres of total land area (either owned or on 30-year lease). Hence, the school in question does not fulfill the minimum requirement of affiliation.

18. Now coming to the issue, it is suffice to observe that there is no concept of negative equality and in case there had been any wrong exemption, one cannot justify another.

19. In the case of **Basawaraj and Anr. v. Special Land Acquisition Officer [(2013) 14 SCC 81]**, the Hon'ble Supreme Court, while emphasizing over the principle of negative equality, has held that "*Article 14 of the Constitution is not meant to perpetuate illegality or fraud even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated. Equality is a trite which cannot be claimed in illegality and therefore cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a*



*judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision. Even otherwise, Article 14 cannot be stretched too far for otherwise it would make functioning of administration impossible.”*

20. It would be further worth benefiting to recapitulate the relevant paragraphs which underscored the aforementioned principle in the case of **State of Bihar & Ors. v. Kameshwar Prasad Singh & Anr. [(2009) 9 SCC 1994]**.

“30. The concept of equality as envisaged under Article 14 of the Constitution is a positive concept which cannot be enforced in a negative manner. When any authority is shown to have committed any illegality or irregularity in favour of any individual or group of individuals, others cannot claim the same illegality or irregularity on the ground of denial thereof to them. Similarly wrong judgment passed in favour of one individual does not entitle others to claim similar benefits. In this regard this Court in *Gursharan Singh v. New Delhi Municipal Committee* [(1996) 2 SCC 459] held that citizens have assumed wrong notions regarding the scope of Article 14 of the



Constitution which guarantees equality before law to all citizens. Benefits extended to some persons in an irregular or illegal manner cannot be claimed by a citizen on the plea of equality as enshrined in Article 14 of the Constitution by way of writ petition filed in the High Court. The Court observed: (SCC p. 465, para 9)

“Neither Article 14 of the Constitution conceives within the equality clause this concept nor Article 226 empowers the High Court to enforce such claim of equality before law. If such claims are enforced, it shall amount to directing to continue and perpetuate an illegal procedure or an illegal order for extending similar benefits to others. Before a claim based on equality clause is upheld, it must be established by the petitioner that his claim being just and legal, has been denied to him, while it has been extended to others and in this process there has been a discrimination.”

Again in *Secy., Jaipur Development Authority v. Daulat Mal Jain* [(1997) 1 SCC 35] this Court considered the scope of Article 14 of the Constitution and reiterated its earlier position regarding the concept of equality holding: (SCC pp. 51-52, para 28)

“Suffice it to hold that the illegal allotment founded upon ultra vires and illegal policy of allotment made to some other persons wrongly, would not form a legal premise to ensure it to the



respondent or to repeat or perpetuate such illegal order, nor could it be legalised. In other words, judicial process cannot be abused to perpetuate the illegalities. Thus considered, we hold that the High Court was clearly in error in directing the appellants to allot the land to the respondents.”

21. Having gone through the decisions noted hereinabove, there is no hesitation to hold that the plea of the petitioner regarding discrimination on account of the facts that other schools have been allowed to run without having requisite infrastructure violates Article 14 of the Constitution, does not persuade this Court. Hence, the action of the respondent-BSEB does not suffer from the vice of Article 14 of the Constitution. Thus the issue no.(i) answered accordingly.

22. To answer the issue no.(ii), it would be pertinent to take note of the settled proposition of law that a party cannot issue orders/office memorandums/executive instructions in contravention of the statutory rules. The series of the decisions rendered by the Apex Court time to time has consistently held that the executive instructions cannot supplant the statutory rules; they can only supplement or clarify the statutory rules.

23. In **Pimpri Chinchwad New Township Development Authority v. Vishnudev Cooperative Housing Society & Ors.** [(2018) 8 SCC 215], the Hon’ble Supreme



Court held that exercising the power by an authority which the said authority does not possess tantamounts to abuse of discretionary power/colourable exercise of power.

24. The Constitution Bench, while interpreting the expression "abuse" in the case of **M. Narayan Nambiar v. State of Kerala [1962 SCC OnLine SC 85]**, defined it to mean misuse, i.e. using his position for something for which it is not intended.

25. Once under the regulation there is a clear restriction of possessing the requisite land in order to get affiliation from the BSEB, the same cannot be diluted, relaxed, or waived by any authority unless such power is vested under the Act or the regulation itself. It is to be noted that prior to coming into force of Affiliation Regulation 2011, the recognition and affiliation of the schools were governed by the Intermediate Education Council Act 1992, which also prescribed for requirements of land, building, playground, furniture, etc. Though the 1992 Act was repealed, even under the said Act the school never fulfilled the mandatory requirements as prescribed under Section 18(1) and 18(2). Thus, in the opinion of this Court, on the dictate of the Education Minister, the Regional Deputy Director of Education had no authority to waive the



statutory conditions, and the issue no.(ii) is answered accordingly.

26. Now coming to the issue no.(iii), with respect to the power of BSEB to inspect the school which have been affiliated prior to the coming into force. This issue has already been answered by the learned division bench of this Court in the case of **Ganesh Prasad Singh & Anr. v. The State of Bihar & Ors. [LPA No. 1478 of 2017]**. The challenge in the Letters Patent Appeal was the judgment dated 04.09.2017 passed in CWJC No. 8752 of 2017. By the afore-noted judgment, the learned writ court has refused to accept the contention of the petitioner/appellant that the Bihar School Examination Board cannot hold inspection of the school affiliated prior to coming into force of Bihar School Examination Board (Senior Secondary, Affiliation Bye-laws). The learned writ court has taken note of the amendments brought in by the relevant bye-laws and the effect of such amendments; the relevant part of the Affiliation (Amendment) Regulations, 2013 has also been quoted. The learned Division Bench after taking note of the amendments brought in the relevant bye-laws and the effect of such amendment, which was duly quoted in the order of the learned Single Judge, has held that on the face of the provisions



existing in the amending bye-laws of 2013, the learned writ court has rightly refused to accept the submissions of the petitioner/appellant and accordingly dismissed the Letters Patent Appeal.

27. Somewhat similar issue has come up for consideration before the learned Division Bench of this Court in **LPA No. 405 of 2022 (The Chairman, Bihar School Examination Board (Senior Secondary) & Anr. v. Sambadh Degree Mahavidyalaya Seva Sangh]** and other analogous cases. The learned Single Judge has held that “*the intermediate colleges which were existing prior to the Bihar Intermediate Education Council Act, 1992 were also deemed to be duly recognized by the Council under Section 39 of the Act of 1992, and the said situation continued till coming into force of the Bihar Intermediate Education Act 2007, which repealed the Act of 1992, and the Intermediate Council was merged with the Bihar School Examination Board. Hence, the repeal did not in any manner affect the deemed recognition of intermediate colleges under the Act of 1992. However, subsequently a resolution was passed on 4.7.2020 which interfered with the release of grant issued on 19.5.2009 to 599 intermediate colleges based on the pass standard ratio of students, on the*



*premise that these intermediate colleges do not fulfill the requisite norms on or before 31.12.2020. The challenge in the writ petitions was with respect to the said resolution and also an order dated 3.10.2021 passed by the Bihar School Examination Board notifying the list of colleges and schools which are to comply with the norms for recognition by 31.12.2021, failing which those colleges were restrained from allowing registration of students for the academic year 2022–23, which spreads over to the next academic year also.*

28. In the afore-noted case, there was specific contention that the Senior Secondary Affiliation Bye-laws 2011 would not have any bearing on the institutions already existing and recognized under the Act of 1992. The learned Division Bench, though agreed with the contention of the respondent college to the extent that the Act of 1992 stood repealed and the recognition continued as per deeming provisions in the subsequent enactments, however, the Court did not countenance the argument of the respondent that once the institution having been recognized there could be no further conditions imposed on the recognized institutions or standards prescribed in imparting secondary and senior secondary education. The Division Bench observed that secondary and senior secondary



education are the foundation of any student who aspires to go for higher studies. Unless the foundation is built of terra firma, cemented with the required facilities and inputs, the aspirations and hopes of students to take such higher education would be frustrated. It cannot at all be said that the conditions and standards that existed in 1992 should be allowed to be continued in so far as the institutions recognized by an enactment of that year. Changing times and the changing needs and requirements of education would require implementation of better standards and this cannot be compromised merely for continued recognition and affiliation of the intermediate colleges.”

29. After going through the decisions, afore-noted, it does not require any further discussion on the issue under answer. Hence, this Court has no hesitation to hold that BSEB has the power to inspect schools which have been affiliated prior to its coming into force of Affiliation Regulation, 2011.

30. Now coming to the issue no.(iv), it would be suffice to observe that a seven-judge Bench of the Apex Court in the case of **P.A. Inamdar v. State of Maharashtra, [(2005) 6 SCC 537]**, held that “*minority communities do not have any higher rights than the majority. They have merely been conferred additional protection.*”



31. In the case of **Kanya Junior High School, Bal Vidya Mandir Etah, U.P. v. U.P. Basic Shiksha Parishad Allahabad & Ors. [(2006) 1 SCC 1992]**, the Hon'ble Supreme Court observed in para-56 as follows:-

“56...But, only because an institution is managed by a person belonging to a particular religion, the same would not ipso facto make the institution run and administered by a minority community. A minority is determinable by reference to the demography of a State. Whether an institution is established and administered by a minority community or not may have to be determined by the appropriate authority in terms of the provisions of the statute governing the field. Furthermore, minority institutions are not immune from the operations of the measures necessary to regulate their functions. To what extent such regulations would operate, however, again is a matter which would be governed by the statute.

(emphasis supplied)

32. Taking apparent clue from the afore-noted decision rendered by the Apex Court, it is manifest that minority institutions are not immune from the operations of the measures necessary to regulate their functions unless otherwise prescribed under the Act or the rules. Under the Regulation 2011 and amended Regulation 2013, there is no relaxation provided to the



minority institutions rather to possess the requisite infrastructure besides fulfillment of other conditions are pre-requisites for affiliation. Besides the other findings having been highlighted in the inspection report regarding the interpolation of the record and the appointment of a person on the post of Principal having no requisite qualification, it is admitted fact that the school in question does not have required infrastructure. Hence, even if the school is a minority institution, there cannot be any relaxation from application of certain statutory measures *sine qua non* for affiliation and its continuance. Accordingly, issue no.(iv) answered hereinabove.

33. After having answered the issues in the afore-noted terms, this Court does not find any merit in CWJC No.12304 of 2021. Accordingly, the same stands dismissed.

34. Since CWJC No. 13142 of 2023 is also dependent upon the outcome of the afore-noted writ petition, the same also failed. However, dismissal of both the writ petitions would not come in the way to the teaching and non-teaching employees to get all the benefits accrued on account of discharging their services prior to the order of cancellation of affiliation of the school in accordance with law, if the same has not been paid till date, and for which they are at liberty to approach before the



appropriate authorities or the Court.

35 Pending application(s), if any, is also disposed off.

36. The parties shall bear their own cost(s).

**(Harish Kumar, J)**

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