

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8982 of 2025

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Satyam International, Abdulchak, Bairiya, P.S.- Gaurichak, Distt.-Patna.
Bihar-800007 through its Principal Dhirendra Kumar Dhiraj age-48 Year (M)
S/o Basudev Prasad, R/o Village, Hulaschak, P.S.-Dhanarua, Dist.-Patna,
Bihar-804451.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Education, New Delhi.
2. Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, New Delhi-110092.
3. The Secretary, Central Board of Secondary Education, Preet Bihar New Delhi.
4. The Regional Director Central Board of Secondary Education Regional Office Shekhpura, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar, Sr. Adv. Mr. Hansraj, Adv. Mr. Amolak Singh, Adv. Mr. Apurva Kumar, Adv.
For the CBSE	:	Mr. Vinay Krishna Tripathy, Adv.
For the UoI	:	Mr. Kumar Ganesh Gunjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-09-2025

Heard Mr. Anjani Kumar, learned Senior Advocate
with Mr. Hansraj, learned Advocate for the petitioner and Mr.
Vinay Krishna Tripathy, learned Advocate for the Central Board
of Secondary Education (for short 'the CBSE'). The Union of
India is represented through Mr. Kumar Ganesh Gunjan, learned
Advocate.

2. The writ petition is filed through the Principal of



the school invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing of the order dated 24.02.2025 (Annexure P/7) as also the order dated 02.04.2025 (Annexure P/9), whereby the earlier order dated 24.02.2025 was duly affirmed and the representation filed by the petitioner was turned down by the Director Affiliation. Challenge is also made to the inspection report dated 19.12.2024 submitted by the Inspection Committee of the Board.

3. The petitioner-school was established in the year 2000 and affiliated with Central Board of Secondary Education for Senior Secondary Level with effect from 01.04.2005 to 31.03.2008; further affiliation was renewed time and again and presently renewed till 31.03.2028, had the impugned order dated 24.02.2025 and 02.04.2025 not been passed. The School was to abide by the Affiliation Bye-Laws of 2018, under which Clause-11 empowers the Board to conduct the inspection of the school, including surprise inspection to ascertain and ensure that schools are following the provisions of the Examination Bye-Laws, Affiliation Bye-Laws and other instructions issued by the Board from time to time.

4. Clause 11.4 of the Affiliation By-laws, 2018 empowers the Board to make surprise inspection of the school,



affiliated through the Board by a committee of one or more members, without giving any notice to the school under the umbrage of the above referred bye-laws. A surprise inspection was carried out on 19.12.2024 through a two members inspection committee in the school and they filed its inspection report. Noticing the infirmities, shortcomings/defects highlighted in the inspection report, a show-cause notice alongwith the copy of inspection report was duly served upon the petitioner directing the Manager of the school to submit an explanation. The petitioner school submitted their reply/explanation on 06.02.2025 against the allegation regarding shortcomings/defects in the show cause notice. The explanation of the petitioner did not persuade the respondent and they have come out with the impugned order bearing no. 00360 dated 24.02.2025 and the affiliation granted to the school is withdrawn with immediate effect, besides the other direction.

5. Aggrieved with the order afore-noted, the petitioner filed a detailed representation to reconsider the imposed punishment by explaining the entire position with a request to revoke the order dated 24.02.2025. The representation preferred by the petitioner was duly considered by the Board, however, vide order no. 052 dated 02.04.2025 the same was turned down, on being found not fit for consideration and accordingly, no



modification in the order dated 24.02.2025 is made.

6. Mr. Anjani Kumar, learned Senior Advocate for the petitioner made identical submission as has been done in C.W.J.C. No. 8624 of 2025 (Eklavya Educational Complex vs. The Union of India), *inter alia* contended that the punishment of disaffiliation passed under the impugned orders are miscalculated and wrongly imposed as being arbitrary and extreme consequences against the alleged misconduct. His thrust of submission is primarily confined that the impugned order dated 24.02.2025 has been issued under the signature of Director (AFFL) based upon the inspection report, however, it does not reflect that the same has got approval of any competent authority, much less by the Board, which is the only competent authority. Unlike the order of punishment dated 24.02.2025 subsequent order dated 05.04.2025 fairly discloses that the order has got the approval of the competent authority of the C.B.S.E. as has been expressly mentioned at the fag end of the order. Since the very issuance of the show cause notice or inflicting punishment was not by the competent authority, which in the case in hand, is the C.B.S.E.; hence the entire action against the petitioner school and the punishment impugned herein are wholly without jurisdiction.

7. It is further argued that despite the valid



explanation and reason against the alleged violations so imposed upon the petitioner school, the respondent officers of the Board failed to consider the same and the impugned orders reflected no conscious application of mind. The principle of natural justice/*audi alteram partem* has been given a complete go-by before applying such extreme penalty of withdrawal of affiliation, which at all warrants opportunity to the petitioner to be heard and represent and explain its position in prudence. He further argued the teaching and non-teaching staffs besides the students of the school will be seriously prejudiced by the orders impugned. The alleged violations of the Affiliation Bye-Laws mentioned in the show cause notice, were not so severe to warrant the extreme punishment and thus, it is not proportionate and the petitioner ought to have been given time for the rectification of these defects before rushing into withdrawal of the affiliation. It has further been informed that in pursuant to the impugned orders the respondent have also transferred the students to nearby school through letter dated 30.04.2025 and 02.05.2025. This Act of the Board is said to be *ultra-vires*, the provision of the Affiliation Bye-Laws, 2018 specially 13.15, which implies that in the event of disaffiliation, the students who are already studying in the school in Class IX, X, XI and XII will be allowed to appear in Board's examination in their



respective batches from school approved or declared by the C.B.S.E..

8. On the other hand Mr. Vinay Kumar Tripathy, learned Advocate for the Board while refuting the afore-noted contention has adopted his submission as has been laid in C.W.J.C. No. 8624 of 2025, besides his argument that Clause 12 of Affiliation Bye-Laws clearly lays down that non-compliance of examination and Affiliation Bye-Laws shall be considered violation and attracts action as per Chapter 12 of the same.

9. Besides various irregularities/shortcomings, it is further submitted that the school has enrolled 401 students in Class XI and 410 for Class XII for session 2024-25, out of which no students were found present on the day of Inspection. Similarly, the school has enrolled 241 students in Class IX and 224 in Class X for session 2024-25, out of which only 46 students in class IX and 23 students in Class X were found present on the day of inspection. Hence, the school has high absenteeism on day of inspection”.

10. It is further contended that as per the report of the Inspection Committee, the school is sponsoring students of unaffiliated school and non-attending students, hence there is a deliberate violation of clause 14.2 of the Affiliation Bye-Laws of the Board.



11. Mr. Tripathy, further urged that ample opportunity was offered to the petitioner school and after analyzing the school's reply in the light of the Inspection Committee Report and the documents submitted by the school, a detailed order dated 24.02.2025 was passed, each and every point of the show cause reply was considered and detailed analysis and findings were recorded. The school was unable to explain the violation of the Bye-Laws of the Board committed by itself, due to which it was clearly evident that school was indulged in sponsoring non-attending students, *inter alia*, other violations and irregularities. The fresh representation the petitioner's school submitted on 08.03.2025 was also considered, however, the school had failed to prove otherwise or refute the finding of the Committee; hence a detailed speaking order was passed.

12. Having heard the learned Advocate for the respective parties and also perused the materials available on record, it would be worth relevant to note here that identical issue was duly considered by this Court in C.W.J.C. No. 8624 of 2025, wherein the Court after considering the respective arguments has been pleased to set aside the impugned orders of punishments and allowed the writ petition with the observation and findings which squarely covers the issue raised in the present writ petition. Since both the matters are identical, hence instead of fresh adjudication, it would be relevant to reproduce



the observations made in the afore-noted case which will answer the issue duly involved in the present case.

“15. After having heard the learned Advocate for the respective parties and on perusal of the materials available on record as also the Examination and Affiliation Bye-Laws, the issue required adjudication from this Court, in the considered view, is as to whether the order of disaffiliation and further modified punishment of downgrading are without jurisdiction and wrongly imposed as also miscalculated due to them being extreme and arbitrary consequences to the alleged violations/defects; secondly, as to whether the impugned order is in violation of the principles of natural justice suffers from non-application of mind and passed without assigning any opportunity of audi alteram partem.

16. Before proceeding further, this Court is conscious of the settled proposition which has been propounded through various decisions that the Court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the Court or in effect it was in defiance of logic or moral standards. The Court, as ruled, would not go into the correctness of the choice made by the administrator open to him and the Court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in decision-making process and not the decision. In a normal course, if the punishment imposed is shockingly disproportionate, it would be appropriate to direct the Authority or the Appellate Authority to reconsider the penalty imposed. To put it differently unless the punishment imposed by the Authority shocks the conscience of the Court/Tribunal, there



is no scope of interference. **[vide Chairman and Managing Director, United Commercial Bank and Others v. P.C. Kakkar [(2003) 4 SCC 364].**

17. There is no dispute with regard to the power vested in the Board to impose penalties mentioned in Chapter-12 of Affiliation Bye-Laws 2018 mentioned in Clause-12.1.1 to 12.1.10, on any school in the eventualities as mentioned in clause 12.2 of Chapter-12. Clause 14.1 clearly stipulates that every school is bound to follow the Affiliation Bye Laws of the Board mutatis mutandis. The schools affiliated with the CBSE are required to maintain high academic standards for imparting education and overall development of the students enrolled there and adhere to the Affiliation and Examination Bye-Laws of the Board for their functioning.

18. Chapter-11 of the Affiliation Bye-Laws 2018 talks about the inspection of the schools for affiliation and periodic inspection for extension of affiliation. Clause-11.4 of the Bye-Laws clearly says that; the Board may any time get an affiliated school inspected by a committee of one or more members without giving any notice to the school. It is imperative that inspection report will be considered by the Board for appropriate action under Clause-11.6. The Board has been defined under Clause-1.3.5; “Board” means the Central Board of Secondary Examination.

19. Under Chapter-14, the Affiliation Bye-Laws 2018 provides general rules, which are required to be mandatorily followed. In the light of the power prescribed under the Affiliation Bye-Laws 2018, inspection was carried by a Committee of consisting two Members, who submitted its report with the final remarks as follows:-

Final Remarks:	1. Except high enrollment in Class XI & XII. all things more or less are found OK .
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	2. Admission form of class XI & XII were not produced by the school authority at the time of inspection. 3. They may be instructed to prepare proper service records of the school staff. 4. More relevant books to be purchased for school library. 5. School may be advised to run Bal Vatika I, II & III Classes separately and to promote activity-based teaching. 6. Extra efforts should be taken to increase enrollment in lower classes especially in pre-schooling. 7. Appointment of Special Educator. Counsellor, ECCE Diploma holder and trained & experienced teacher is required. 8. There is a big school campus and surrounding are neat & clean covered with greeneries. 9. More improvement in labs and library is required for its reinovation. 10. Computer lab should also be equipped with latest technology to make it a smart lab. 11. Washroom & drinking water facilities are available as per norms.
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20. Based upon the inspection report, the petitioner was served with a show-cause notice disclosing point-wise violations/defects, directing him to file reply explaining as to why penalties as envisaged in clause 12.1 and 12.2 of the Affiliation



Bye-Laws 2018 cannot be imposed. Clause 12.1 empowers the Board in a case in which school is found violating the provisions of Affiliation or Examination Bye-Laws to impose anyone of the ten penalties, which follow thereafter in Clauses 12.1.1 to 12.1.10, of which withdrawal of Affiliation is extreme and envisaged in Clause 12.1.9.

21. Suffice it to observe that where an authority, competent to impose punishment is provided discretion, under the applicable statute to impose anyone of the various punishment which vary in degree, the order imposing punishment has necessarily to indicate the reason and justification for choosing that particular punishment for imposition, especially where the punishment being imposed is the most severe or akin thereto.

*22. It has imperatively observed in the case of **Mount Columbus School & Ors.** (supra), where the High Court of Delhi referring to the aforesaid principles has said that if clause 12.1 were to be invoked, there would have had to be conscious application of mind by the CBSE to the various punishments which could be imposed on a school, and a conscious decision, as part of a reasoned and speaking order, that the only punishment that the indiscretions of the school could visit on it was the punishment of disaffiliation and nothing lesser.*

23. In absence of such conscious application of mind, either in the show-cause notice or in the impugned order(s), it makes it vulnerable to challenge.

24. The show-cause notice, prima facie, appears to have been issued under the signature of Deputy Secretary, AFFL; however, it does not whisper as to whether it has got approval of the Board, who is the only competent authority. Be that as it may, the petitioner-school submitted a detailed point-wise explanation/reply to the show-



cause notice dated 08.01.2025. The explanation of the petitioner was considered and the Director, AFFL came out with the impugned order dated 24.02.2025 and are found the following violations established beyond doubt:-

- “1. The school is indulged in sponsoring non attending students.*
- 2. The school had ill equipped science Labs.*
- 3. The school has a disproportionately high absenteeism of students in senior classes.*
- 4. The school has manipulated its records to mislead the Board.*
- 5. The school has committed irregularities in the maintenance of the essential records.*
- 6. The school has severe infrastructural deficiencies.*
- 7. The school has not maintained pupil teacher ratio and the school has shortfall of teachers.*
- 8. The school does not have a counsellor and wellness teacher.*
- 9. The school has compromised on the safety of the students.”*

25. Giving aforesaid finding of the violations, the Director, AFFL concluded that the school is liable for the severest of penalty as can be imposed viz. withdrawal of affiliation; hence, he ordered for immediate withdrawal of affiliation, besides other punishment.

26. This time again the order no.00349 dated 24.02.2025, inflicting severe punishment does not speak as to whether the consent of the Board has been taken or the order has got the approval of the Board, unlike the final order dated 05.04.2025, which clearly speaks that it got the approval of the competent authority of the Board. By the impugned order dated 24.02.2025, the



School was extended liberty for restoration of affiliation up to secondary level after lapse of one academic year i.e. from 2026-2027 after ameliorating the deficiencies pointed out with regard to running up to secondary level.

27. Liberty with respect to senior secondary level after two academic years, there is no dispute that the inspection report pointed out with regard to certain deficiencies but after perusal thereof, this Court finds that the inspection report in sum and substance either of suggestive for improvement or certain documents have not been furnished by the school.

28. In response to the show-cause notice, the petitioner has submitted necessary documents and gave point wise explanation with regard to all the shortcomings/ deficiencies with an undertaking that the same shall be removed at the earliest; however, the Director, AFFL while passing the order dated 24.02.2025, in the opinion of this Court has come to the finding that the school has manipulated its record to mislead the Board and committed irregularities in the maintenance of essential records, besides severe infrastructure deficiencies, which finding, prima facie, in the opinion of this Court, appears to be on assumption and presumption, unless before returning such findings of manipulation of its record, the school have been given an opportunity to be heard.

29. From the discussions made hereinabove, it is manifest that the very initiation of the action against the petitioner-school, from the stage of surprise inspection, its report show, show-cause notice and punishment order dated 24.02.2025 were without approval of the competent authority, either prior or post facto; all the more, any action/order which was wholly without jurisdiction at the inception cannot be legalized by the subsequent order passed by a competent



authority and/or after getting approval of the competent authority. Hence, in the opinion of this Court, the first issue formulated, is answered in favour of the petitioner-school.

30. *It is well settled that the decision which entails severe civil consequences has to be preceded by compliance with the principles of audi alteram partem even if the statutory provision does not expressly so required. The requirement of grant of an opportunity of hearing in such cases has necessarily to be read into the statute.*

31. *In the case of **Maneka Gandhi v. Union of India [(1978) 1 SCC 248]**, the Apex Court emphasized that audi alteram partem is highly effective rule devised by the Court to ensure that a statutory authority arrives at a just decision and it is calculated to act as a healthy check on the abuse or misuse of power. Hence, its reach should not be narrowed and its applicability circumscribed.*

32. *It would be worth benefiting to encapsulate the relevant observation of the Apex Court in the case of **A.K. Karaipak v. Union of India [(1969) 2 SCC 262]**, which reads as follows:-*

"If the purpose of the rules of natural justice is to prevent miscarriage of justice one fails to see why those rules should be made inapplicable to administrative enquiries. Often times it is not easy to draw the line that demarcates administrative enquiries from quasi-judicial enquiries.... Arriving at a just decision is the aim of both quasi-judicial enquiries as well as administrative enquiries. An unjust decision in an administrative enquiry may have more far-reaching effect than a decision in a quasi-judicial enquiry."



33. *Two facets of maxim audi alteram partem has been underscored; firstly that the notice of the case to be made and further opportunity to explain. This rule cannot be sacrificed at the altar of administrative convenience of celerity. Unless there is an express provision under the Act of Statute excluding the application of principles of natural justice or audi alteram partem, it is universally respected and duty to afford a fair hearing.*

34. *The issue regarding principles of natural justice which implies the existence of moral principles of self evident and unarguable truth based on equity and good conscience was crystallized by the Apex Court in the case of **Swadeshi Cotton Mills v. Union of India [(1981) 1 SCC 664]**, where the Court in paragraphs-43 and 44 observed as follows:-*

"43. Prof. de Smith, the renowned author of Judicial Review (3rd Edn.) has at p. 170, expressed his views on this aspect of the subject, thus:"Can the absence of a hearing before a decision is made be adequately compensated for by a hearing ex post facto? A prior hearing may be better than a subsequent hearing, but a subsequent hearing is better than no hearing at all; and in some cases the courts have held that statutory provision for an administrative appeal or even full judicial review on the merits are sufficient to negative the existence of any implied duty to hear before the original decision is made. The approach may be acceptable where the original decision does not cause serious detriment to the person affected, or where there is also a paramount need for prompt action, or where it is impracticable to afford antecedent hearings."



44. In short, the general principle- as distinguished from an absolute rule of uniform application- seems to be that where a statute does not, in terms, exclude this rule of prior hearing but contemplates a post-decisional hearing amounting to a full review of the original order on merits, then such a statute would be construed as excluding the audi alteram partem rule at the pre-decisional stage. Conversely, if the statute conferring the power is silent with regard to the giving of a pre-decisional hearing to the person affected and the administrative decision taken by the authority involves civil consequences of a grave nature, and no full review or appeal on merits against that decision is provided, courts will be extremely reluctant to construe such a statute as excluding the duty of affording even a minimal hearing shorn of all its formal trappings and dilatory features at the pre-decisional stage, unless, viewed pragmatically, it would paralyse the administrative progress or frustrate the need for utmost promptitude. In short, this rule of fair play "must not be jettisoned save in very exceptional circumstances where compulsive necessity so demands". The court must make every effort to salvage this cardinal rule to the maximum extent possible, with situational modifications. But, to recall the words of Bhagwati, J., the core of it must, however, remain, namely, that the person affected must have reasonable opportunity of being heard and the hearing must be a genuine hearing and not an empty public relations exercise."



35. After going through the afore-noted celebrated decisions clarifying the position, this Court has no iota of confusion that before inflicting the severest punishment of withdrawal of affiliation once the authority has discretion to impose anyone of ten penalties based upon the inspection report, the explanation of the petitioner; it would be in the interest of justice to provide complete adherence of audi alteram partem, which in the present case is lacking.

36. The decision referred by the learned Senior Advocate for the petitioner is though persuasive; however, a well read decision where the Court in identical facts, when the Board before imposing the severest punishment failed to issue notice with regard to the specific punishment and applied specific reason for choosing that particular punishment for imposition, has interfered in the order and observed that if Clause 12.1 of the Affiliation Bye-Laws 2018 were to be invoked there would have had to be conscious application of mind by the CBSE to the various punishments, which could be imposed on a school, and a conscious decision, as part of the reason and speaking order, that the only punishment that the indiscretion of the school could visit on it was the punishment of disaffiliation and nothing lesser.

37. The Court also emphasized and underscored the requirement of extending the opportunity of hearing in such cases and held to be necessarily to be read into the statute after referring to various decisions rendered by the Hon'ble Supreme Court as well as different High Courts.

38. Similar view was also taken in the case of **Chand Ram Public School** (supra).

39. In view of the aforesaid discussions, the issue no.(ii) is answered that the Board has



failed to observe the principles of natural justice and audi alteram partem and thus all the issues are decided in favour of the petitioner-school.

40. Both the impugned orders dated 19.04.2024 and 05.04.2025 are set aside, the consequences shall follow.

41. Before parting with the case, it would also be relevant to observe that since the inspection report, prima facie, is suggestive of improvement in the infrastructure and removal of certain discrepancies/shortcomings, the Board ought to provide sometime for curing all the defects/deficiencies and in case the same is not done, proceed in accordance with law, but in no case any order to the detriment of the students.

42. This Court is conscious of the fact that the Board is duly obligated by the Examination and Affiliation By-Laws to ensure standards of procedures, ensuring quality education and to bring the schools at par with all the schools of analogous plan of management affiliated with the Board. The quality of education is the necessity and the schools must be quality driven and strive for excellence in all aspects of its activities to ensure that quality; the schools are duty bound to follow the directions issued from time to time regarding introduction of innovative practices in areas of curriculum, pedagogy and evaluation.

43. With the aforesaid direction, after setting aside the impugned order(s), on both counts the action initiated and the order having been passed without the approval of the Board and in violation of the principles of audi alteram partem, the matter is being relegated to the Board to take appropriate action in accordance with Examination and Affiliation Bye-Laws after giving proper opportunity to the petitioner for curing defects/defencies and proceed further”.



13. In view of the position aforenoted, the present writ petition also stands allowed.

14. The impugned order dated 24.02.2025 and 02.04.2025 stand quashed.

15. The matter is being relegated to the Board to take appropriate action in accordance with Examination and Affiliation Bye-Laws after giving proper opportunity to the petitioner for curing defects/deficiency and proceed further. The pending application, if any, also stands disposed off.

16. There shall be no order as to cost(s).

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2025
Transmission Date	NA

