



\$~42

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 8138/2025

P D MODEL SECONDARY SCHOOL

.....Petitioner

Through: Mr. Pramod Gupta and Ms.
Himanshi, Advs.

versus

CENTRAL BOARD OF SECONDARY EDUCATION...Respondent

Through: Mr. M.A. Niyazi, Standing Counsel
with Ms. Kirti Bhardwaj, Ms. Nehmat
Sethi, Ms. Anamika Ghai Niyazi and
Mr. Arquam Ali, Advs. for CBSE.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

30.05.2025

CM APPL. 35510/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 8138/2025 & CM No.35509/2025 (by the petitioner under Section 151 CPC seeking interim relief)

3. The present petition has been filed under Article 226 of the Constitution of India seeking following relief:

- “i. Issue writ, order or direction in the nature of Certiorari or any other appropriate writ/order quashing CBSE's impugned Order dated 05.11.2024 issued by Respondent;*
- ii. direct CBSE to restore the affiliation status of Petitioner.”*

4. The case set out in the petition is that the respondent CBSE vide its



order dated 05.11.2024 had, *inter alia*, withdrawn the provisional affiliation granted to the petitioner school upto Senior Secondary Level, with immediate effect. The operative part of the said order reads as under:

- “a. The provisional affiliation granted to the school upto Senior Secondary School Examination Level be withdrawn with immediate effect.*
- b. Student in class X and XII are permitted to appear from the same school for session 2024-25. However, the students who are presently in class IX and XI shall be shifted to nearby school by Regional Officer, Delhi (West).*
- c. The school shall not take any new admissions or promote the students of lower classes in IX and XI by natural progression, hereafter.*
- d. The school may seek restoration or affiliate upto secondary level after lapse of one academic year i.e. from 2026-27 after ameliorating the deficiencies pointed out with regard to running upto secondary level.*
- e. The school may seek restoration of affiliation upto senior secondary level only at least after 02 academic years of restoration upto secondary level, if so sought and granted.”*

5. Mr. Pramod Gupta, learned counsel for the petitioner submits that in so far as the disaffiliation of the school for the Senior Secondary level is concerned, the petitioner is not pressing the present petition against the same, however, the concern of the petitioner is the disaffiliation of the petitioner till the secondary level (i.e. classes IX and X) in respect of which there is no allegation of dummy admissions.

6. He further submits that in so far as the deficiencies pointed out in the impugned order with regard to the infrastructure, the number of teachers etc. is concerned, the same are curable and the petitioner will cure them in a time bound manner.

7. He thus, contends that liberty may be granted to the petitioner to make



a representation to the respondent/CBSE with a request to restore the affiliation upto Secondary Level and the petition may be disposed of. She further submits that the impugned order to the extent it disaffiliates the petitioner school upto secondary level may not be given effect to till the disposal of petitioner's representation by the CBSE.

8. In view of the limited prayer articulated by Mr. Gupta, issue notice. Mr. M.A. Niyazi, learned Standing Counsel appearing on behalf of the respondent/CBSE accepts notice.

9. This Court is of the view that the present petition can be disposed of with liberty as aforesaid.

10. Mr. Niyazi submits that the respondent has no objection in case appropriate directions are passed by this Court.

11. Accordingly, regard being had to the undertaking given by the petitioner *apropos* curing of deficiencies as pointed out in the order dated 05.11.2024, in a time bound manner, liberty is granted to the petitioner to make representation to the CBSE, within a period of three weeks, requesting for restoration of its affiliation up to secondary level. If any such representation is made, the same shall be considered and disposed of by the CBSE within two weeks thereafter, by a speaking order, bearing in mind the curable nature of defects; the steps taken or to be taken by the petitioner school to cure the same and most importantly, the interest of the students studying classes IX and X. The CBSE shall be at liberty to conduct fresh inspection of the petitioner school, if deemed appropriate.

12. Further, keeping in mind that the students studying in classes IX and X of the petitioner school are also adversely affected and displaced by the impugned decisions, it is directed that the order dated 05.11.2024, to the



extent it disaffiliates the petitioner school for the secondary level, shall not be given effect to, till passing of the speaking order.

13. Needless to say, that the petitioner school will not run classes XI and XII nor will it induct any fresh students for said classes.

14. The petition along with pending application stands disposed of in the above terms.

VIKAS MAHAJAN, J

MAY 30, 2025

aj