2026:AHC:230488-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 720 of 2026

Adv Invention Academy

.....Appellant(s)

Versus

State of U.P. and 7 others

.....Respondent(s)

Counsel for Appellant(s)	:	Aditya Kumar Rai for Saurabh Singh, Deepak Prajapati
Counsel for Respondent(s)	:	Nagendra Pandey (S.C.)

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal is directed against the order dated 02.09.2026 passed by learned Single Judge in Writ - C No. 24587 of 2026, whereby learned Single Judge dismissed the writ petition filed by the appellant.

2. The writ petition was filed seeking a direction to the respondents to produce before the Court the decision of the Recognition Committee dated 17.06.2026 and quash the same, which was passed by District Basic Education Officer, Sant Kabir Nagar.

3. Submissions were made that Section 18(5) of Right of Children to Free and Compulsory Education Act, 2009 ('Act, 2009') provides for imposition of a monetary penalty upon a person establishing or running a school without recognition and does not contemplate seizure or sealing of the institution by the District Administration and, therefore, action of the respondents in sealing the institution is without jurisdiction.

4. Learned Single Judge, after perusing the instructions, came to the conclusion that as per the report submitted by Block Education Officer, Nathnagar, the building does not conform to the prescribed standards; no playground is available; the land on which the building is situated is not registered in the name of the school or the society and the requisite

certificates under the National Building Code and in respect of fire safety have not yet been obtained and on account of such deficiencies, the District Recognition Committee had decided to reject the application and consequently, dismissed the writ petition.

5. However, it was clarified that the dismissal shall not preclude the competent authority from taking such further action as may be permissible in law, in accordance with the provisions of Act, 2009 and Rules/Regulations framed thereunder. Feeling aggrieved, the present appeal has been filed.

6. When the present appeal came up before this Court, counsel for the appellant confined his prayer questioning the sealing of the premises. It was submitted that neither any order was passed for sealing of the premises nor respondents have any authority to seal the premises, based on which, the Standing Counsel was directed to obtain instructions in the matter.

7. Instructions were produced, *inter alia*, indicating that the appellant without completing the requirements for grant of recognition, applied online, which was deficient. Despite not complying with the eligibility conditions, it was claimed that the requirements pertaining to building, land, teachers, furniture, library, sports ground, toilet, drinking water, fire safety, building safety and National Building Code map would be completed within three years, i.e. by 15.04.2029, based on which, the application was rejected on 17.06.2026.

8. It was indicated that the school was being operated despite rejection of the application for recognition, the students were found sitting within the building in question, advertisements were made pertaining to recognition from CBSE, which were absolutely false and incorrect. Complaints were received on IGRS portal that the school was being run illegally without recognition, based on which, notice was issued and petitioner was directed to stop operating the school, however, the school was not closed. Again a notice was issued, however, no response was given and the school continued to be operated. Faced with the situation, in the interest of the students and as the school was being run without the fire safety equipments and the building being against National Building Code, the building was seized by order dated 16.06.2026. Copy of the order was annexed with the instructions.

9. *Qua* the instructions, it was submitted on behalf of the appellant that under Sections 18(5) and 19(5) of the Act, 2009, the State has power to impose fine, which may extend to one lakh rupees and in case of continuing contraventions to a fine of rupees ten thousand for each day during which such contravention continues and that there is no power under the Act, 2009 providing for sealing of the premises and that so far provisions of Sections 18(5) and 19(5) of the Act, 2009 have not been invoked, based on which, counsel for respondents prayed for time to obtain instructions to indicate power of seizure of the school building.

10. Today, instructions have been produced that the respondents have power under Section 5(3) of U.P. Fire Prevention and Fire Safety Act, 2005 ('Act, 2005') to seal a premises where it appears that the condition of any building or premises is dangerous to life or property and as in the present case, the appellant, by affidavit, clearly indicated that the requisite building, land, teachers, furniture, library, laboratory, sports ground, toilets, drinking water, fire safety, building safety, National Building Code map would be provided within a period of three years, i.e. by 15.04.2029 and despite repeated notices, issued with regard to closing of the institution/school, on the one hand, the same was not closed down, on the other hand the appellant issued advertisements falsely claiming recognition from CBSE and even indicating itself as 'Super High Court-Proof', i.e., even the High Court cannot close the school. Copy of the advertisements have been placed on record along with pictures of the building, wherein tiny tots are seen sitting on classroom like furniture.

11. Counsel for the appellant attempted to make submissions that in respect of the deficiences, the respondents have no right to seal the premises. They can pass orders directing not to operate the school, however, cannot force closure/seal the premises and therefore, the order impugned deserves to be quashed and set aside.

12. Counsel for the respondents supported the order impugned. Submissions were made that entire sequence of events, as produced, clearly reveals that the appellant has no respect for the laws, the orders passed by the authorities and even this Court inasmuch in the advertisement, it has claimed itself as 'Super High Court-Proof' and, therefore, the appeal deserves dismissal.

Further submissions were made that despite admitted deficiencies, the appellant, without caring for the orders passed, has continued to run the school, which is putting the small children to grave risk and, therefore, exercising powers available under Act, 2005, order has been passed to prevent any loss for lack of requisite requirements and, therefore also the appeal deserves dismissal.

13. We have considered the submissions made and have perused the material available on record.

14. The petition was filed seeking to question the non-grant of recognition/sealing, however, in the appeal, the case was confined to the sealing of the premises based on lack of any provision in this regard. The defiance of the appellant is surprising, wherein despite rejection of the application for recognition, wherein the appellant admitted the deficiencies and sought three years' period for curing the deficiencies, he continued to run the institution in the premises and falsely and *mala fidely* claimed itself to be recognized by CBSE and seeking to poke fun at the authorities, in the advertisement, claimed itself as 'Super High Court-Proof'. When by passing orders the respondents failed to prevent the appellant from running the institution in a building which was *inter alia* violating the fire safety norms and was deficient on several counts, the order for sealing of premises was passed.

15. In the overall circumstances of the case, as noticed hereinbefore, the appellant is not entitled to invoke jurisdiction under Article 226 of the Constitution of India, which jurisdiction is deeply tied to the foundational principles of justice, equity and good conscience.

16. Besides the above, for admitted lack of required fire safety and fire preventing measures in the building, power under Section 5(3) of the Act, 2005 is very much available with the respondents and therefore, plea raised by the appellant has no legs to stand.

17. In fact, the respondents must invoke provisions of Sections 18(5) and 19(5) of the Act, 2009 against the appellant for admitted violations committed by it.

18. In view of the above discussion, there is no substance in the appeal, the same is, therefore, dismissed.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

November 4, 2026
P.Sri.

Digitally signed by :-
PUNEET SRIVASTAVA
High Court of Judicature at Allahabad