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IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

10046
CWP No. OF 2020

MEMO OF PARTIES

1. Sri Guru Hargobind Convent School Poohli Road, Nathana, District Bhatinda, through its Chairman Sukhjinder Singh aged 45 years s/o Nirbhai Singh r/o V.P.O. Poohli Tehsil, District Bathinda.
2. Mata Gujri Memorial High School Village Balwanda, P.O. Chack Sharief Kahnuwan, Gurdaspur through its Principal Shama Sharma aged 37 years D/o Sh. Surinder Mohan R/o Tagore Bhavan Krishna Nagar, Gurdaspur.
3. Juss International School, VPO Sekhwan, District Gurdaspur through its Director Sunil Kumar aged 42 years s/o Ram Singh Bhambhu, V.P.O Sekhwan, District Gurdaspur.
4. Rankers International Public School, Kot Dhandal P.O. Dhandal through its authorized person Sh. Gurpreet Singh Sawhney aged 38 years S/o Mohan Singh R/o Kahnuwan, District Gurdaspur.
5. The Salvation Army School, Batala, Aliwal Road, Batala, through its Principal Sh. Major Robert Masih aged 53 years s/o Sh. Rounki Lal, R/o The Salvation Army School, Aliwal Road, Batala.
6. Marigold Public School, VPO Aliwal, Tehsil Batala, District Gurdaspur through its Manager Sh. Harpinder Pal Singh aged 42 years S/o S. Naranjan Singh R/c

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Kotla Bama, P.O. Ghoga, Tehsil Batala, District
Gurdaspur.

7. Guru Nanak Public School, Kala Bala, District
Gurdaspur through its authorized person Sh. Tajpreet
Singh aged 39 years S/o Sh. Baldev Singh Sekhon, VPO
Kala Bala, District Gurdaspur
8. Sant Baba Harnam Singh Khalsa Model School,
Garhdiwala, District Hoshiarpur through its authorized
person S. Tarsem Singh Dhugga Sawhney aged 45 years
S/o Sh. Lachman Singh VPO Dhugga Kalan, District
Hoshiarpur.
9. Baba Wadhwa Ji Vidya Kender, VPO Bhucho Kalan,
Bathinda through its authorized person Harpreet Singh
aged 45 years s/o Jaspal Singh R/o 129, Manak Enclave,
Dugri, Ludhiana.
- ✓ 10. Golden Public School, VPO Tarpalla, Hardorwal Kalan,
Block FatehgarhChurian, District Gurdaspur through
its Principal Amandeep Kaur aged 37 years d/o Kartar
Singh R/o Village FatehgarhChurian, Tehsil Batala,
District Gurdaspur.

...Petitioners

Versus

1. State of Punjab through Principal Secretary
Education, Punjab Civil Secretariat-1, Sector-2,
Chandigarh.

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2. Director General, School Education, Punjab Vidya Bhawan, (Punjab School Education Board) Block-E, 5th Floor, Phase VIII, Sector -62, SAS Nagar, Mohali.
3. Special Secretary School Education, Department of Education Punjab, Punjab Vidya Bhawan, (Punjab School Education Board) Block-E, 3rd Floor, Phase VIII, Sector -62, SAS Nagar, Mohali.
4. Director of Public Instruction (DPI) Secondary Education, Punjab Vidya Bhawan, (Punjab School Education Board) Block-E, 4th Floor, Phase VIII, Sector -62, SAS Nagar, Mohali.
5. Director of Public Instruction (DPI) Elementary Education, Punjab Vidya Bhawan, (Punjab School Education Board) Block-E, 6th Floor, Phase VIII, Sector -62, SAS Nagar, Mohali.
6. Central Board of Secondary Education, Shiksha Kendra-2, Community Centre, Preet Vihar, Delhi - 110092 through its Chairman.

...Respondents


CHANDIGARH

DATED: 06.07.2020

 & 
(DILPREET SINGH GANDHI) & (ARVEEN SEKHON)

P-1822/2011

P/3083/2016


(SAKSHI AWASTHI)

P-2606/2017

ADVOCATES

COUNSELS FOR THE PETITIONERS

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Civil Writ Petition under Articles 226/227 of the Constitution of India, 1950 for issuance of appropriate writ, order or direction, especially in the nature of certiorari for quashing the impugned letter No.3/41/2019-3 C3/2020165 /1-22 dated 11.02.2020 (Annexure P-7) and subsequent lettersvide which the respondent No.3 has issued the directions to all the District Education Officers (DEO) to not to forward the cases of any school for the RTE Recognition, who does not have 'No Objection Certificate' (NOC) from the State Government, which is purely an illegal and arbitrary order passed by respondent no.3 which is not been backed/supported by any legal provisions under RTE Act, 2009.

It is further prayed that the respondent No.1 to 3 be directed to grant recognition to the petitioners under RTE, 2009 without asking for NOC issued by the State Government where the petitioners were already exempted from taking the NOC by respondent no.6.

It is further prayed before this Hon'ble Court to stay the operation of the impugned letter dated 11.02.2020 (Annexure P-7) during the pendency of the present writ

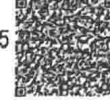
petition and further provide the RTE Recognition to the petitioner schools during the pendency of the present writ petition.

It is further prayed that this Hon'ble Court may issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in facts and circumstances of the case.

MOST RESPECTFULLY SHOWETH:

1. That Petitioners are the unaided private schools managed schools, which are affiliated with Central Board of Secondary Education (CBSE) i.e. respondent no.6. The petitioner schools run and managed by the societies registered under the Societies Registration Act, 1860 and the present petitioners are the schools which are working on very limited finances and are giving the best education to their students in very limited fee and by doing this they are serving the nation.
2. That as of today the whole world is cursed with the epidemic caused due to COVID-19 and every government and individual in the country is struggling for their livelihood and it is a saying that year 2020 is a year of survival where everybody should try to survive and this is what is happening in the world where now the countries are facing the financial crunches and individuals are struggling for their livelihood and the petitioners are one of them who are being

2025:PHHC:019425



274+277 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 10-02-2025

1. CWP-9914-2020 (O&M)
SABAD PRAGAAS ACADEMY, DHARAMKOT, GURDASPUR ANS
ORSPetitioner(s)
VERSUS
STATE OF PUNJAB AND OTHERSRespondent(s)
2. CWP-10046-2020 (O&M)
SRI GURU HARGOBIND CONVENT SCHOOL AND ORS.
.....Petitioner(s)
VERSUS
STATE OF PUNJAB AND OTHERSRespondent(s)
3. CWP-15116-2020 (O&M)
BRITISH PUBLIC ACADEMY
.....Petitioner(s)
VERSUS
STATE OF PUNJAB AND OTHERSRespondent(s)
4. CWP-17423-2020 (O&M)
DATA BANDHI CHHOD PUBLIC SCHOOL, AMRITSAR AND ORS.
.....Petitioner(s)
VERSUS
STATE OF PUNJAB AND OTHERSRespondent(s)
5. CWP-1163-2021 (O&M)
SHRI GURU NANAK DEV PUBLIC SCHOOL LAMBIDHAB SRI
MUKTSAR SAHIB AND ORS.
.....Petitioner(s)

CWP-9914-2020 (O&M) and other connected cases

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VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

6.

CWP-4351-2021 (O&M)

DOON OXFORD SCHOOL THAKKARWAL PAKHOWAL ROAD,
LUDHIANA PUNJAB AND ORS.

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

7.

CWP-7230-2021 (O&M)

KUNDAN VIDYA MANDIR SENIOR SECONDARY SCHOOL,
MUKERIAN THROUGH ITS AUTHORISED SIGNATORY SACHIN
SAMYAL

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)]

8.

CWP-15273-2022 (O&M)

CAMBRIDGE OVERSEAS SCHOOL, KUKERIAN, THROUGH ITS
AUTHORISED SIGNATORY SACHIN SAMYAL

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

9.

CWP-15596-2020 (O&M)

KNIGHTS INTERNATIONAL PUBLIC SCHOOL

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

10.

CWP-15571-2021 (O&M)

BHAI GURDAS PUBLIC SCHOOL AND ORS.

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

CWP-9914-2020 (O&M) and other connected cases

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3. Learned counsel for the petitioner(s) submits that the said condition imposed by C.B.S.E vide circular No.10 dated 08.07.2023 is only qua the new schools which are to be granted affiliation and not the schools who have been granted affiliation qua the extension is to be granted to schools with respect to the affiliation.

4. Learned counsel for the petitioner(s) submits that the letter issued by the Central Board of Secondary Education has been misinterpreted by the Government of Punjab while issuing the impugned order dated 11.02.2020 (Annexure P-7).

5. Learned counsel appearing on behalf of the respondent No.6-CBSE sides with the argument of the learned counsel for the petitioner that "*No Objection Certificate*" is not required qua the institutions who have already been granted the affiliations but same to be granted the extension and "*No Objection Certificate*" is only applicable in case, any new school is to be established.

6. Learned counsel for the respondent-State submits that the memo dated 11.02.2020 was issued by the State keeping in view the circular issued by the CBSE and in case, the CBSE is of the view that the "*No Objection Certificate*" is not required qua the institute who have already been granted the affiliation or even those institute which require extension in respect of affiliation, no such condition will be put in their case and "*No Objection Certificate*" will be required only in case, a new institution is seeking affiliation of the CBSE.

7. Learned counsel for the parties submits that keeping in view the statement of the learned counsel appearing on behalf of the CBSE and the

CWP-9914-2020 (O&M) and other connected cases

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State, the grievance raised by petitioners in the present bunch of petitions have been redressed and the present petitions may kindly be disposed of as having been not pressed any further.

8. Ordered accordingly.
9. Pending application, if any, also stands disposed of.
10. Photocopy of this order be placed on the files of other connected cases.

10-02-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO

✓ Express/Urgent/Ordinary Petition No. 1727692
 Date of presentation of Application 20-03-25
 No. of Pages of Document 10
 Total No. of pages issued
 Per page Charges:
 (1) Express Initial fee Rs. 100/- per page
 and Rs. 10/- per page thereafter
 (2) ✓ (Initial fee Rs. 100/- per page
 and Rs. 20/- per page thereafter)
 (3) Ordinary Initial fee Rs. 50/- per page
 and Rs. 2/- per page thereafter
 Total Cost Rs.
 Advance Deposited
 Recovery
 Registration & Postage Charges
 Date of notification of the defects
 Date of rectification of defects
 Date of preparation of Copy 20-03-25 ✓
 Date of Delivery of Copy 20/3/25



✓
20/3/25

✓
20/3/25

For Private Use
Certified to be true copy
Incharge, ✓
Central Copying Agency
(Authorized u/s 76 of Indian Evidence Act, 1872)
High Court of Pb. & Hr., Chandigarh.

CWP-9914-2020 (O&M) and other connected cases

-3-

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner in CWP No.9914, 10046, 15116, 17423 of
2020 and CWP Nos.1163 and 4351 of 2021 and
CWP No.15273 of 2022. (*joined through V.C.*)

Mr. Randeep Singh Gill, Advocate with
Mr. Kunal Goyal, Advocate
For the petitioner in CWP No.15116 of 2020.

Mr. Keshav Pratap Singh, Advocate with
Mr. Ankit Chaudhary, Advocate and
Mr. Anmol Puri, Advocate
For the petitioner in CWP No.7230 of 2021.

Mr. Abhilaksh Gaiind, Advocate with
Mr. Rakesh Roy, Advocate
For respondent No.4.

Mr. T.P.S Walia, AAG Punjab.

Mr. Kannan Malik, Advocate
For respondent No.6-CBSE in all the petitions.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of ten writ petitions involve common question of law in the context of common set of facts and thus they are being decided by a common order.
2. In the present bunch of petitions, the grievance being raised by the petitioners-Institute is that the condition of seeking "*No Objection Certificate*" has been made mandatory by Education Officer, Government of Punjab vide impugned order dated 11.02.2020, copy of which has been appended as Annexure P-7.