

British Public Academy and others.

Vs.

State of Punjab and others

Present: Mr. Gurminder Singh, Sr. Advocate with
Mr. D.S. Gandhi, Advocate for the petitioners.

Learned senior counsel appearing for the petitioners contends that respondents No.1 to 3 have gone beyond their jurisdiction while passing the impugned order dated 11.02.2020 (Annexure P-7), wherein, directions have been issued to the District Education Officers not to forward the cases of those schools which have not obtained 'No Objection Certificate (NOC)' from the State Government for extension of affiliation/up-gradation by the CBSE. He further contends that since affiliation is the sole prerogative of the CBSE, State would have no role in the said exercise. It has further been contended that Section 18 of the Right of Children to Free and Compulsory Education Act, 2009 (in short 'the RTE Act') pertains to recognition being given to a school at the time when it is initially set up, however, the petitioners have already been given recognition under Section 18 of the RTE Act. It has been urged that the said recognition was given only because all the requisite conditions stood complied with and moreover there was no such condition under the RTE Act that in case there was no 'NOC' obtained, recognition given would be cancelled.

The learned Sr. counsel further contends that in view of the directions issued vide impugned order dated 11.02.2020 (Annexure P-7), the future and the studies of the students would be jeopardized and hence a prayer had been made for staying the operation of the impugned order dated 11.02.2020 (Annexure P-7).

Notice of motion.

On the asking of the Court, Mr. Charanpreet Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondents-State and seeks time to file reply.

Learned State counsel submits that a connected matter i.e. CWP No.9914 of 2020 is pending and fixed for 28.10.2020.

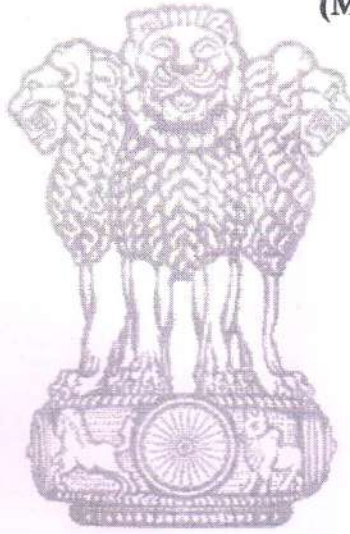
To be heard along with CWP No.9914 of 2020 on 28.10.2020.

Notice be issued to respondent No.6 for the date fixed.

In the meanwhile, the case of the petitioners would be provisionally forwarded to the CBSE which would, however, be subject to the final outcome of this petition.

22.09.2020
D.Bansal

(MANJARI NEHRU KAUL)
JUDGE



सत्यमेव जयते

