
(2020) 04 DEL CK 0007

In the Delhi High Court

Case No : Civil Writ Petition No. 2956 Of 2020

Mt. Columbus School And Its Teachers

APPELLANT

Vs

CBSE

RESPONDENT

Date of Decision : 09-04-2020

Acts Referred:

Citation : (2020) 04 DEL CK 0007

Hon'ble Judges : Rekha Palli, J

Bench : Single Bench

Advocate : Kamal Gupta, Amit Bansal

Judgement

Rekha Palli, J

C.M.No.10266/2020 (for exemption)

1. Allowed, subject to all just exceptions.

C.M.No.10267/2020 (for exemption from filing counter court fee)

2. Learned counsel for the petitioners submits that the requisite court fees will be deposited within three working days of the High Court's

reopening.

3. The application stands disposed of.

W.P.(C) 2956/2020 & C.M.No.10265/2020 (for stay)

4. The present petition has been taken up for hearing through video conferencing.

5. This petition filed by a private unaided recognized school running in a resettlement colony along with five teachers employed therein, assails the order dated 16.03.2020, whereby the respondent has withdrawn its provisional affiliation.

6. Learned counsel for the petitioners submits that on the basis of findings of an

inspection of the petitioner no.1/school conducted on 12.07.2016, the petitioner no.1 was issued a show cause notice dated 05.10.2017 to which a detailed reply was submitted by it pointing out therein that the findings of the inspection committee were factually incorrect. He further submits that based on the petitioner no.1's response, the respondent had vide its order dated 02.08.2019 appointed two persons for inspecting the premises of the petitioner no.1 and to submit their report after seeking necessary clarifications from the petitioner no.1. The said order categorically stated that anyone of the two persons so named in the order were entitled to inspect the premises and furnish their report. He submits that none of the two persons named in the order dated 02.08.2019 have neither conducted any inspection of the petitioner no.1/school nor sought any clarifications from the petitioner no.1, but the respondent has hastened to pass the impugned order by relying on the earlier inspection report. He thus contends that the impugned order, which has been passed without awaiting for any fresh inspection report from the persons named in the order dated 02.08.2019 and that too despite the petitioner's repeated representations for appointing fresh persons for carrying out the inspection, is illegal and unsustainable.

7. Issue notice. Mr.Amit Bansal, Advocate accepts notice for the respondent. He prays for and is granted four weeks time to file a counter affidavit.

Rejoinder thereto, if any, be filed within two weeks thereafter. While not disputing that the impugned order does not refer to any fresh inspection report, even though specifically directed vide order dated 02.08.2019, Mr.Bansal submits that in view of the present lockdown the respondent is not in a position to access its own records qua the petitioner no.1/school and is, therefore, not in a position to respond to the petitioner's contentions at this stage.

8. Keeping in view the aforesaid stand of the respondent and the admitted position that it was the respondent itself which had agreed for a fresh inspection vide its order dated 02.08.2019, in my view the impugned order prima facie appears to be unsustainable. Irreparable hardship and prejudice will be caused not only to the petitioners but also to the students of the petitioner no.1, in case, the operation of the impugned order is not stayed. The balance of convenience is also in favour of the petitioners. Accordingly, the

operation of the impugned order dated 16.03.2020 will remain stayed till the next date.

9. Mr.Bansal assures the Court that the aspect of this impugned order being stayed by this Court will be duly reflected in the website of the respondent, in case, it is being operated, so that the name of the petitioner no.1/ school is not reflected in the list of non-affiliated schools.

10. List on 26.05.2020.

11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.