

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 5TH AUGUST 2011 / 14TH SRAVANA 1933

WP(C) .No. 21361 of 2011 (U)

PETITIONER(S) :

IDEAL ENGLISH SCHOOL,
KADAKKASSERY, AYANKULAM.P.O., THAVANOOR-679 594,
MALAPPURAM, REPRESENTED BY ITS MANAGER.

BY ADV. SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.L.RAM MOHAN

RESPONDENT(S) :

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM-695 039.
2. CENTRAL BOARD OF SECONDARY EDUCATION,
(AFFILIATION UNIT), A.M.C.CELL, PREETH VIHAR,
DELHI-110 092, REPRESENTED BY ITS CHAIRMAN/
PRINCIPAL OFFICER.
3. THE DISTRICT EDUCATIONAL OFFICER,
TIRUR-679 594.
4. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695 014.

GOVERNMENT PLEADER SHRI V.VIJULAL FOR R1,R3 AND R4
SHRI DEVAN RAMACHANDRAN, SC FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/08/2011, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 21361 of 2011

APPENDIX

PETITIONER'S EXTS:

EXT.P1 COPY OF THE APPLICATION SUBMITTED FOR NOC BY THE PETITIONER.

EXT.P(a) COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER TO
THE FIRST RESPONDENT.

EXT.P1(b) COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER TO
THE THIRD RESPONDENT.

EXT.P1(c) COPY OF THE CERTIFICATE ISSUED BY THE THAVANOR PANCHAYAT

EXT.P1(d) COPY OF CHALAN EVIDENCING THE PAYMENT OF RS.25,000/-

EXT.P2 COPY OF THE VISIT REPORT OF DEO.

EXT.P2(a) COPY OF THE SURVEY REPORT OF DEO DATED 13/07/2007

EXT.P3 COPY OF THE ISO 9001:2000 CERTIFICATION

EXT.P3(a) COPY OF THE EXTRACT FROM THE APPLICATION EVIDENCING FILE
NO.050204/20-07-07

EXT.P3(b) COPY OF THE RELEVANT EXTRACT NOTING THE GOVT.
CORRESPONDENCE NUMBER WITH THE DPI'S COMMUNICATION IN
RESPECT OF THE PETITIONER'S SCHOOL.

EXT.P4 COPY OF THE JUDGMENT DT.12/06/2008 IN WPC NO.15947/2008

EXT.P5 COPY OF G.O. 18/88 DT.12.01.88

EXT.P6 COPY OF JUDGMENT DATED 28.04.2009 IN WPC 32233/08.

EXT.P7 COPY OF THE JUDGMENT DT.18.07.2011 OF THE APEX COURT IN SLP
NO.11666-11667/2009 AND CONNECTED CASES

EXT.P8 COPY OF G.O. (MS).NO.137/2011/G.EDN., DT.10/06/2011

RESPONDENTS' EXTS: NIL

\\TRUE COPY//

P.A TO JUDGE

T.R. RAMACHANDRAN NAIR, J.

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W.P.(C). No.21361/2011-U

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Dated this the 5th day of August, 2011

J U D G M E N T

The petitioner is seeking for a direction to grant No-Objection Certificate (N.O.C.) for affiliation to the second respondent-Central Board of Secondary Education (C.B.S.E). The documents produced by the petitioner before the authorities concerned have been produced as Exts.P1 to P3 here.

2. It is averred in the writ petition that the application for N.O.C was rejected which was challenged before this Court and finally by Ext.P6 Judgment, a Division Bench of this Court issued appropriate directions in the matter. Similar matters were taken up before the Apex Court and, the Apex Court by Ext.P7 order has finally disposed of the Special Leave Petition, in the light of the new Government Policy dated 10/06/2011. The petitioner prays that in the light of the directions of the Apex Court, the application submitted by the petitioner may also be directed to be considered along with those

applications, especially, in the light of G.O.(MS). No.137/2011/G.Edn., dated 10/06/2011, a copy of which is produced as Ext.P8. Evidently, by Ext.P8, the Government have accorded sanction for issuing N.O.C for getting C.B.S.E/I.C.S.E affiliation to schools which totally fulfills the norms and conditions prescribed by C.B.S.E/I.C.S.E and having own land and basic facilities. It is further mentioned that the guidelines will be issued by the Department.

3. Therefore, there will be a direction to the Government to consider the application of the petitioner in the light of the guidelines which are to be prescribed in terms of Ext.P8 order and along with the applications which were directed to be considered by the Apex Court in Ext.P7 Judgment within a period of three months. The writ petition is disposed of as above. No costs.

Sd/-

(T.R. Ramachandran Nair, Judge.)

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