

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 17975 of 2023**

With

R/SPECIAL CIVIL APPLICATION NO. 17995 of 2023

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ST CYRILS SCHOOL

Versus

STATE OF GUJARAT

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Appearance:

MR. JAY M THAKKAR(6677) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3

MR SAHIL TRIVEDI, ASST.GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 11/10/2023

ORAL ORDER

1. Heard learned advocate Mr.Jay Thakkar on behalf of the petitioners and learned Assistant Government Pleader Mr.Sahil Trivedi on behalf of the respondent - State.

2. Learned advocate Mr.Thakkar tenders a draft amendment. The same is granted. To be carried out forthwith.

3. While it appears that in Special Civil Application No.17995/2023 the petitioners have challenged the decision passed by the respondent no.2 before the appellate authority being respondent no.1, in other matter being Special Civil Application No.17975/2023, the petitioners have approached this Court directly against the order passed by the respondent

no.2 herein.

4. Considering the submissions made by learned advocate Mr.Thakkar, it would prima facie appear that the objections which have led to the main order being passed, except the objection with regard to fire safety, are technical objections which though would be required, probably may not entail the harsh decision of withdrawing recognition for standard 9 and standard 11. It would also appear that insofar as the aspects except the fire safety aspect, the school has applied for appropriate permission/modifications from the competent authority.

4.1. As far as the issue with regard to the fire safety is concerned, it is submitted by learned advocate Mr.Thakkar that as such, as per the prevailing policy of the State Government, the petitioners are not required to have a No Objection Certificate with regard to the same. Learned advocate would submit that as such, all necessary fire safety measures as required, are already in place and whereas an affidavit to that regard will also be submitted by the petitioners.

5. Considering such submissions more particularly since it appears that the consequential orders for shifting of the record and shifting of the students to another school has already been passed and whereas, if this Court would not interfere, then by 13.10.2023 the entire process may be over, therefore, at this stage, to enable the petitioner school to make appropriate application before the competent authority and to file an affidavit before this Court, let **Notice be issued upon the respondents, returnable on 13.10.2023.** Learned Assistant Government Pleader Mr.Trivedi would waive service of notice for the respondent – State. Insofar as respondent no.2 is concerned, in addition to direct service today, a copy of the petition be provided to learned advocate Mr.A.D.Oza who normally appears on behalf of the said respondent. Direct service today to respondent no.3 is permitted.

5.1. By way of ad-interim relief, the respondents are directed to maintain status-quo insofar as the order dated 30.09.2023 passed by the respondent no.3 insofar as both sections i.e. section 9 and section 11 are concerned.

(NIKHIL S. KARIEL,J)

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