

ITEM NO.42

COURT NO.3

SECTION XIA

S U P R E M E                      C O U R T   O F   I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15440-15464/2008

(From the	judgement and order dated 10/04/2008 in		WA	No.
2465/2007	& WA No. 2497/2007 & WA No. 2512/2007		&	WA No.
2513/2007	& WA No. 2514/2007 & WA No. 2516/2007		&	WA No.
2532/2007	& WA No. 2535/2007 & WA No. 2539/2007		&	WA No.
2543/2007	& WA No. 2544/2007 & WA No. 2546/2007		&	WA No.
2547/2007	& WA No. 2548/2007 & WA No. 2549/2007		&	WA No.
2551/2007	& WA No. 2554/2007 & WA No. 2555/2007		&	WA No.
2556/2007	& WA No. 2559/2007 & WA No. 2563/2007		&	WA No.
2573/2007	& WA No. 2580/2007 & WA No. 2779/2007		&	WA No.
2921/2007	of The HIGH COURT OF KERALA AT ERNAKULAM)			

STATE OF KERALA &amp; ORS.

Petitioner(s)

VERSUS

MANAGER, NIRMALA PUBLIC SCHOOL &amp; ORS.

Respondent(s)

(With appln(s) for impleadment and prayer for interim relief and office report)

WITH SLP(C) NO. 21078-21135 of 2009  
(With application for directions and office report)  
SLP(C) NO. 21829 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 22359-22368 of 2009  
(With prayer for intersim relief and office report)  
SLP(C) NO. 29364-29365 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6888 of 2010  
(With appln.(s) for c/delay in filing SLP and office report)

Date:18/7/2011                      These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
          HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)                      Mr. M.T. George, Adv.  
  Mr. G. Prakash, Adv.  
  
  Mr. Nishe Rajen Shonker, Adv.

For Respondent(s)                      Mr. P.S. Patwalia, Sr. Adv.

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Mr. Romy Chacko, Adv.  
Mr. Anup Kumar, Adv.

Mr.            Bhupender Yadav, Adv.  
Mr.            S.S. Shamshery, Adv.  
Ms.            Ruchi Kohli, Adv.  
Mr.            R.C. Kohli, Adv.  
Ms.            Asha Kochar, Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. S. Gopakumaran Nair, Sr. Adv.

Mr. T.G. Narayanan Nair, Adv.

Mr. K.N. Madhusoodhanan, Adv.

Mr. Roy Abraham, Adv.

Mr. Himinder Lal, Adv.

Mr. S. Balakrishnan, Sr. Adv.

Mr. Subramonium Prasad, Adv.

Mr. S.N. Jha, Adv.

Mr. A. Raghunath, Adv.

M/S. T.T.K. Deepak & Co., Adv.

Mr. C.K. Sasi, Adv.

Mr. K. Rajeev, Adv.

Mr. John Mathew, Adv.

Mr. Siddharth Singla, Adv.

Mr. Ashok Kumar Singh, Adv.

Mr. P.I. Jose, Adv.

Mr. Venkat Subramana T.R., Adv.

Mr. S. Ganesh, Adv.

Mr. V.K. Sidharthan, Adv.

Mr. Hari Kumar G., Adv.

Mr. A. Venayagam Balan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

The State Government has filed these  
SLPs challenging the order of the High Court

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directing consideration of the applications  
filed by the respondents for grant of 'no  
objection certificate' for seeking affiliation  
with Central Board of Secondary Education (for  
short 'CBSE') for a new institution/existing  
institutions. The State Government had earlier  
rejected the request with reference to the  
Policy of the State Government then in force.

When the matter came up today, both  
sides submitted that the State Government has  
now made a new Policy contained in G.O.(MS)  
No.137/2011/G.Edn. dated 10.6.2011 which reads  
as under:

"Government are pleased to  
accord sanction for issuing No  
Objection Certificate for getting  
CBSE/ICSE affiliation to schools,  
which totally fulfills the norms and  
conditions prescribed by CBSE/ICSE  
and having own land and basic  
facilities.

Further guidelines will be

issued by the Department in due course."

In view of the said Policy, it is submitted that these SLPs by the State Government have become infructuous as the State Government will have to consider the applications of the respondents with reference to the said new Policy dated 10.6.2011 and pass appropriate orders within three months from today.

It is needless to say that if the respondents-applicants are aggrieved by any order passed on such consideration, they will be entitled to challenge the same in accordance

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with law.

Learned counsel for the petitioner State submitted that in pursuance of the interim order dated 8.3.2011 of this Court, the State Government considered and passed orders on 4.7.2011. Admittedly, the said direction was issued before the change in Policy but the orders of rejection dated 4.7.2011 states that it has been passed by taking note of the new Policy dated 10.6.2011. Wherever such orders are passed, the concerned institution will be entitled to challenge the same in accordance with law and if it has already challenged, it will be considered in view of the new Policy.

In so far as applications for impleadment/intervention, it is open to the applicants to file applications for 'no objection certificate' in terms of the new Policy.

Special leave petitions are dismissed as having become infructuous.

(Ravi P. Verma)  
Court Master

( M.S. Negi )  
Court Master