

IN THE HIGH COURT OF PUNJAB AND HARYANA

For Private Use
Examiner, Judicial Department,
High Court of Punjab & Haryana
Authorised under Section 74

AT CHANDIGARH

Civil Writ Petition No. 8353 of 2013

Council of Secondary Education, S.C.F. 61-62, Industrial Area, Phase-VII,

S.A.S. Nagar (Mohali) through its Member General Body Sh. Raj Kapur.

.....Petitioner(s)

Versus



Union of India, Ministry of Human Resources and Development

Government of India, New Delhi, through its Secretary.

2. Council of Boards of School Education in India (COBSE), 6H Big Jos Tower, A-8, Netaji Subhash Place, Ring Road, Delhi-110034, through its Chairman.
3. Association of Indian Universities, AIU House, 16, Comrade Indrajit Gupta Marg (Kotla Marg) New Delhi - 110002, through its Secretary.
4. Central Board Of Secondary Education (CBSE), Shiksha Kendra, No. 2, Community Centre, Preet Vihar, Delhi through its Chairman.
5. State of Punjab through Secretary, Department of Education, Punjab Civil Secretariat, Chandigarh.
6. Punjab School Education Board, Vidya Bhawan Phase VIII, S.A.S. Nagar, Mohali through its Secretary.
7. State of Haryana through Secretary, Department of Education, Haryana Civil Secretariat, Chandigarh.
8. Board of School Education Haryana, Bhiwani, Hansi Road, Bhiwani

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9. Panjab University, Chandigarh, Sector 14, Chandigarh through its Registrar.
10. Guru Nanak Dev University (GNDU), Amritsar, Punjab-143006 through its Registrar.
11. Punjabi University, Patiala, NH 64, Urban Estate Phase-II, Patiala, Punjab 147002, through its Registrar.
12. Punjab Technical University, Jalandhar, Jalandhar-Kapurthala Highway Near Pushpa Gujral Science City, Kapurthala, Punjab 144601, through its Registrar.
13. Baba Farid University of Health Sciences, Kotakapura Road, Faridkot, Punjab- 151 203 through its Registrar.
14. Punjab Agricultural University, Ludhiana, Punjab- 141 004 through its Registrar.
15. Chaudhary Charan Singh Haryana Agricultural University, National Highway 65, Hissar - 125 004 Haryana through its Registrar.
16. Chaudhary Devi Lal University, Sirsa, Haryana through its Registrar.
17. Guru Jambheshwar University, Hisar, Muftani Chowk, 125001, Haryana through its Registrar.
18. Kurukshetra University, Kurukshetra - 136 119 Haryana through its Registrar.
19. Maharshi Dayanand University, Rohtak, NH10, Rohtak, Haryana through its Registrar.
20. Secretary, Department of Home, Punjab, Punjab Civil S

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21. Director General of Police, Punjab, Punjab Police Headquarters,
Chandigarh.
22. Secretary, Department of Home, Haryana, Haryana Civil Secretariat,
Chandigarh.
23. Director General of Police, Haryana, Police Headquarters, Sector-6 ,
Panchkula, Haryana.

.....Respondent(s)

Petition under Article 226/227 of the Constitution of India

praying for issuance an appropriate writ in the High Court of Punjab & Haryana

certiorari to quash / set-aside the impugned letter / order dated 28.03.2013 (Annexure P-42) passed by the respondent no. 2 whereby the request of the petitioner-council for grant of recognition / membership has been declined, being illegal, arbitrary, thus not sustainable in the eyes of law since the same is in violation of Article 14, 16 & 19 of the Constitution of India, as the grant of membership by the respondent no. 2 amounts to grant of recognition / equivalency and the respondent no. 2 has already granted membership / recognition to number of private education boards / societies constituted under Societies Registration

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WITH further prayer for issuance an appropriate writ, order or directions to the respondent no. 2 to include the name of the petitioner-council in its list of members and grant membership / recognition / equivalency to the petitioner-council and also the examinations conducted by it.

WITH further prayer for issuance an appropriate writ, order or directions to the respondent no. 1 to 19 to consider the certificates of Secondary / Senior Secondary Examination issued by the petitioner-council as equivalent to certificates issued by the other recognized education boards.

WITH further prayer that during the pendency of the present petition the students having certificates of Secondary / Senior Secondary Examinations issued by the petitioner-council may be considered equivalent / recognized a par with students having certificates issued by the State Education Boards and other recognized Education Boards.

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With further prayer that during the pendency of the present petition the students having certificates of Secondary / Senior Secondary Examinations issued by the petitioner-council who have been granted admission in various courses by the respondent education boards / universities, be allowed to continue their courses and appear in the examinations being conducted by the respondent education boards / universities and their admissions be not cancelled.

With further prayer for issuance an appropriate writ, order or directions to the respondent no. 20 to 23 restraining taking criminal action against the petitioner-council or its officials.

Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Respectfully Showeth :-

1. That the petitioner is a Society registered under the Societies Registration Act, 1860 and was registered on 02.05.2008 with the Registrar of Societies at Chandigarh. The copy of the Registration Certificate is appended herewith as Annexure P-1. The copy of the resolution of the Petitioner-Council of Secondary Education (hereinafter referred to as the Council) authorizing Sh.Raj Kapur, Member General Body of the petitioner-council to file the present writ petition for and on behalf of the petitioner-council is appended herewith as Annexure P-2. Copy of the Memorandum of Association / Articles of the petitioner-council is appended herewith as Annexure P-3. The true copy of the Rules and Regulations of the petitioner-council is appended herewith as Annexure P-4.

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113 CWP-8353-2013 (C+M)

Council of Secondary Education

Vs.

Union of India and others

Present: Mr. Salil Sagar, Senior Advocate, with
Mr. Sunil Kamal, Advocate, for the petitioner.

Counsel for the petitioner, *inter alia*, contends that vide the impugned order the respondent no.2 has rejected the application of the petitioner dated 11.01.2013 on the ground that it cannot grant recognition to any institution as it only grants membership.

Counsel for the petitioner submits that it appears that before passing the impugned order, respondent no.2 has not even ~~looked~~ read the application/representation/reminder dated 18.03.2013 in which the petitioner has prayed for grant of membership instead of recognition.

Notice of motion for 29.08.2013.

August 07, 2013
vinod*

CL-(RAKESH KUMAR JAIN)
JUDGE

Certified to be true
copy
Incharge/Asstt./Clerk
Central Copying Agency,
High Court of Pb. & Hr.
Chandigarh
Date

Express/Urgent/Ordinary Petition No. 946480
Date of presentation of Application 07-8-13
No. of pages or documents 6
Total No. of pages issued against Petition 6
Per page charges:

- (1) Express (Initial fee Rs. 100/- upto 10 pages and Rs. 10/- per page thereafter)
- (2) Urgent (Initial fee Rs. 100/- upto 10 pages and Rs. 5/- per page thereafter)
- (3) Ordinary (Initial fee Rs. 50/- upto 10 pages and Rs. 2/- per page thereafter)

As per
13-8-13

Total cost Rs. 100/-
Advance Deposited 100/-
Recovery Nil
Registration & Postage Charges _____
Date of notification of the defects _____
Date of rectification of defects _____
Date of preparation of copy 13-8-13
Date of Delivery of copy _____

Satish
13-8-13



Kumar 64

13-8-13