

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Thursday, the Nineteenth day of December Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKEVALU

WMP No.35844 of 2019
IN WP.35056/2019

1 ASSOCIATION OF MANGEMENT OF [PETITIONER]
PRIVATE SCHOOLS (CBSE),, REP. BY ITS
SECRETARY, A.T.B. BOSE, ADMIN OFFICE, 205,
2ND FLOOR, REAL ENCLAVE, 43/ 22, JOSIER
STREET, NUNGAMBAKKAM, CHENNAI-600 034.

Vs

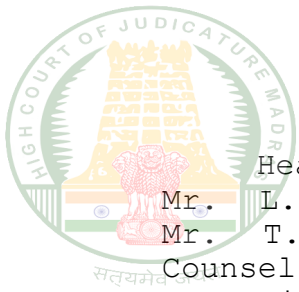
1 THE UNION OF INDIA [RESPONDENTS]
REP. BY ITS SECRETARY, MINISTRY OF HUMAN
RESOURCES AND DEVELOPMENT, GOVERNMENT OF
INDIA, NEW DELHI

2 THE CENTRAL BOARD OF SECONDARY EDUCATION,
REP. BY ITS CHAIRMAN, SHIKSHA
KENDRA, NO. 2, COMMUNITY CENTRE, PREETVIHAR,
NEW DELHI - 110019

3 THE CENTRAL BOARD OF SECONDARY
EDUCATION,, REP. BY ITS REGIONAL OFFICER,
NEW NO. 2, (OLD NO. 1630-A) J BLOCK, 16TH
MAIN ROAD, ANNA NAGAR (WEST), CHENNAI - 600040

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Interim Injunction restraining the 2nd and 3rd respondents, their officers and sub-ordinates from levying penalties stipulated in impugned Clause 12 of the impugned CBSE affiliation bye-laws, 2018 on the members of the petitioners association (IN WMP.NO.35844 OF 2019) pending disposal of the above writ petition NO.35056 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR. AR.L. SUNDARESAN, SENIOR COUNSEL FOR MR.L.MURALI KRISHNAN, Advocate for the petitioner and of MR.T.V.KRISHNAMACHARI, CENTRAL GOVERNMENT STANDING COUSNEL FOR 1ST Respondent and of MR.G. NAGARAJAN, ADVOCATE on behalf of the 2 & 3 respondents the court made the following order:-



Heard Mr. AR.L. Sundaresan, Learned Senior Counsel assisted by Mr. L. Murali Krishnan, Learned Counsel for the Petitioner, Mr. T.V. Krishnamachari, Learned Central Government Standing Counsel, who takes notice for the First Respondent and Mr. G. Nagarajan, Learned Counsel, who takes notice for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Learned Senior Counsel appearing for the Petitioner submits that the penalties provided in Chapter 12 of the Affiliation Bye-Laws of the Second Respondent, which is impugned in this Writ Petition, confer arbitrary and unguided power entailing adverse civil consequences to the affiliated schools and the same would have to be stayed till the disposal of the Writ Petitions, which contention is disputed by the Learned Counsel for the Respondents.

3. Having regard to the aforesaid submissions made, if the Second and Third Respondents intend to impose any of the penalties in Chapter 12 of the Affiliation Bye-Laws of the Second Respondent on the member schools of the Petitioner Association, the same shall be made only after obtaining prior permission of this Court, until further orders.

Post the matter on 05.02.2020.

-sd/-

19/12/2019

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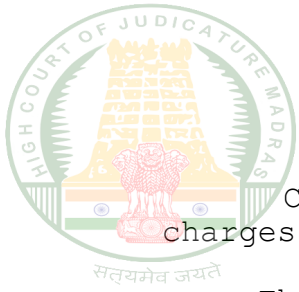
Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY,
UNION OF INDIA
MINISTRY OF HUMAN RESOURCES AND DEVELOPMENT,
GOVERNMENT OF INDIA, NEW DELHI

2 THE CHAIRMAN,
CENTRAL BOARD OF SECONDARY EDUCATION,,
SHIKSHA KENDRA, NO. 2, COMMUNITY CENTRE, PREETVIHAR,
NEW DELHI - 110019

3 THE REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
NEW NO. 2, (OLD NO. 1630-A) J BLOCK, 16TH
MAIN ROAD, ANNA NAGAR (WEST), CHENNAI - 600040



C.C. to L.MURALI KRISHNAN Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

WEB COPY

Order

in
WMP.35844/2019

in
WP.35056/2019

Date :19/12/2019

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