

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No 27864 of 2019

NISA Education

Petitioner

VERSUS

The State of Haryana & Ors

Respondents

**COURT FEES PAID Rs.104.00/-**

Petitioner through Counsel

Place: Chandigarh  
Dated: 22.09.2019

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

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**LIST OF DATES & SYNOPSIS**

The petitioner association is being aggrieved from the action of the respondents on behalf of few of the member schools out of the total member schools of the petitioner association (whose details are mentioned in the para 5 of the writ petition), where the respondents vide notification dated 22.08.2019 (**Annexure P-4**) have issued the notification for filling the enrolment and affiliation forms by the Government and Private permanently recognized schools and who have got the permanent affiliation from the respondent no. 4, in violation of the regulations notified by the respondent no. 4 on 11.02.2019 (**Annexure P-4**). The respondent no. 1 to 3 have not issued the extension of the provisional recognition of the member schools of the petitioner association for the academic session of 2019-2020 even when their cases are pending with them. Being aggrieved the petitioner association is before this Hon'ble court to get the portal of their member schools be opened up and extension of the time to fill the enrolment and affiliation forms for the Classes 9<sup>th</sup> to Class 12<sup>th</sup> as the date has already been elapsed which was notified by the respondent no. 4 in the notification dated 22.08.2019 (**Annexure P-4**).

**Annexure P-1 (Colly) (26.10.2015)**

The association has been registered at New Delhi by getting the certificate of registration from the concerned registration authorities as the society has been registered at New Delhi for the members schools situated in all over India. The petitioner-association has been formed on the basis of aims and objectives mentioned in the charter of the association, so that the association could take care the rights of the members school in respect of the problems faced by them.

**Annexure P-2**

The list of the members schools are being appended which are being the members of the petitioner association and the petitioner association is filing the present writ petition on behalf of few of the member schools out of the total members (reproduced in para 5 of the writ petition).

**Annexure P-3 (Colly) (22.08.2019)**

The respondent no. 4 has issued the notification for filling the affiliation and enrolment forms for the students who are studying in the permanently recognized school who are also permanently affiliated with the respondent no. 4.

**Annexure P-4 (11.02.2019)**

The respondent no. 4 has notified the amended rules of affiliation and enrolment forms which provide the filling of the affiliation and enrolment forms by the students studying in the provisionally recognized schools.

**Annexure P-5 (Colly) (16.03.2007 & 30.03.2007)**

The respondents have issued the notification on various issues, as well as, the definition regarding the deemed recognized school which applies on the case of the member schools of the petitioner association on whose behalf the present writ petition is being filed.

Hence, the present writ petition before this Hon'ble court.

Petitioner through Counsel

Place: Chandigarh  
Dated: 22.09.2019

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No 27864 of 2019

**MEMO OF PARTIES**

NISA Education having registered office at A-24-D, Ground Floor, Hauz Khas, New Delhi through its President Sh. Kulbhushan Sharma son of Sh. J.P. Sharma, age 53 years, resident of House No. 52-53, Vidhya Nagar, Nanhera, P.O. Kuldeep Nagar, Ambala Cantt., Haryana.

Petitioner

**VERSUS**

1. The State of Haryana through its Additional Chief Secretary, Department of Education, Civil Secretariat Haryana, Sector 1, Chandigarh.
2. The Directorate School Education (Secondary), Government of Haryana, through its Director (Secondary), Shiksha Sadan, Sector 5, Panchkula.
3. The Directorate School Education (Elementary), Government of Haryana, through its Director (Elementary), Shiksha Sadan, Sector 5, Panchkula.
4. The Board of School Education Haryana, Bhiwani through its Secretary, Board of School Education Haryana, Bhiwani.

Respondents

Petitioner through Counsel

Place: Chandigarh  
Dated: 22.09.2019

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

Civil writ petition under Articles 226/227 of the Constitution of India praying for issuance of any writ, orders or directions especially in the nature of certiorari to set aside the notification issued by the respondent no. 4 on 22.08.2019 **(Annexure P-3 (Colly))** where the respondent no. 4 has issued the notification for filling the enrolment forms from Class 9<sup>th</sup> to Class 12<sup>th</sup> for the academic session of 2019-2020 by the students studying in the government and private recognized schools and who are permanently affiliated with the respondent no. 4, the schedule is going to be elapsed on 24.09.2019 for Class 9<sup>th</sup> and Class 11<sup>th</sup> without fine whereas, the date for filling the enrolment forms for Class 10<sup>th</sup> and Class 12<sup>th</sup> has already been elapsed on 09.09.2019, as the respondent no. 4 is not allowing the students of the member schools of the petitioner association to fill their enrolment forms in violation of the amended affiliation and enrolment

regulations issued by the respondent no. 4 on 11.02.2019 (**Annexure P-4**); a writ of certiorari may kindly be issued to set aside the notification dated 22.08.2019 (**Annexure P-3 (Colly)**) as the respondent no. 4 is not allowing the provisionally affiliated schools to fill the enrolment forms of their students studying in Class 9<sup>th</sup> to Class 12<sup>th</sup>, not only in violation of affiliation and enrolment regulations amended on 11.02.2019 (**Annexure P-4**), as well as, the respondent no. 4 has not opened the portal of those schools who falls in the definition of deemed recognized schools as notified by the government on 16.03.2007 & 30.03.2007 (**Annexure P-5 (Colly)**), the respondent no. 4 has not receiving the enrolment forms of the students of those member schools who are having the permanent recognition upto higher standards and having provisional recognition upto Senior Secondary level, the respondent no. 4 has even not opened the portal of the those

schools also; a writ of mandamus may kindly be issued to the respondents to treat the notification issued on 22.08.2019 (**Annexure P-3 (Colly)**) as null and void by directing the respondent no. 4 to receive the enrolment forms of the students of the member schools of the petitioner association for Class 10<sup>th</sup> and Class 12<sup>th</sup> by extending the time frame for the member schools of the petitioner association to fill the enrolment and affiliation forms with the respondent no. 4 without paying late fee; a writ of mandamus may kindly be issued to the respondent no. 1 to 3 to immediately issue the provisional recognition of the member schools of the petitioner association so that the respondent no. 4 could receive the enrolment and affiliation forms of the member schools of the petitioner association before elapsing the day for filling the enrolment forms which is 24.09.2019 without late fee for Class 9<sup>th</sup> and Class 11<sup>th</sup>, as well as, the



date for filling the enrolment forms for Class 10<sup>th</sup> and Class 12<sup>th</sup> has already been elapsed so date may kindly be extended from 24.09.2019 for all the classes from Class 9<sup>th</sup> to Class 12<sup>th</sup> as per notification dated 22.08.2019 (**Annexure P-3 (Colly)**); a writ of mandamus may kindly be issued to the respondents in order to safeguard the future of the students of the member schools of the petitioner association, the portal be immediately opened by the respondent no. 4 for filling the enrolment and affiliation forms as per notification dated 22.08.2019 (**Annexure P-3 (Colly)**) on the basis of the extension of the provisional recognition of the member schools of the petitioner association for the academic session of 2019-2020

**RESPECTFULLY SHOWETH:**

1. That the members of the petitioner society are the citizens of India. The authorized signatory who is filing the present petition before this Hon'ble court is the citizen of India and the resident of the State of Haryana thus, fully competent

to invoke the extraordinary writ jurisdiction of this Hon'ble court by way of filing the present writ petition under Article 226/227 of Constitution of India to get the rights of their member schools be protected which are being infringed by the respondents continuously without discharging their duties towards the pillar of the society.

2. That the petitioner society has been registered in the name of NISA Education on 26.10.2015 at New Delhi and the Registrar of Societies, South District, Government of NCT of Delhi has issued the certificate of registration under his seal and signature on 26.10.2015 by giving the legal sanctity to the society. The society was registered having the aims and objectives to rake up the issues of the private schools so that the member schools of the society could carry out their functions without any problem apart from other aims and objectives for which the society was established. Copies of the society registration certificate dated 26.10.2015 and memorandum of association of society are appended herewith as **Annexure P-1 (Colly)**.
3. That the list of the member schools situated in the State of Haryana is also enclosed with this writ petition and the society is having more than 1642 schools situated in the State of Haryana as its members. Copy of the list of the member schools are appended herewith as **Annexure P-2**.
4. That the petitioner association is aggrieved from the action of the respondents as the respondent no. 1 to 3 has neither

extended the provisional recognitions of the member schools of the petitioner association nor the respondent no. 4 has opened the portal of the member schools of the petitioner association to fill their enrolment and affiliation forms with the respondent no. 4 for the academic session of 2019-2020 by paying the fee specified in this regard. The respondents are rampantly violating their own rules and regulations which are statutory in nature and respondents are ought to be follow them.

5. That the petitioner association is filing the present case on behalf of the following member schools who are being aggrieved regarding the action of the respondents for not opening their portal for uploading the enrolment and affiliation forms.

1. Gian Deep High school, VPO Karasan, Distt. Ambala.
2. Mikki Model Sr. Sec School, VPO Babyal, Distt. Ambala
3. Golden High School, VPO Bihta, Distt. Ambala.
4. Saraswati High school, VPO Bharedi Kalan, Distt. Ambala.
5. S.D. Sr. Sec. School, VPO Nagla Jattan, Distt. Ambala.
6. Giyan Deep High School, VPO Gumthla Distt. Yamuna Nagar.
7. Maha Rana Partap Sr. Sec. School, V.P.O Nachron Distt. Yamuna Nagar.
8. National Sr. Sec. School, Village Thaska Khaddar, Post Office Khurdban, Distt. Yamuna Nagar.

6. That the respondent no. 4 has issued the notification dated 22.08.2019 vide which they have invited the enrolment forms from Class 9<sup>th</sup> to Class 12<sup>th</sup> for the academic session of 2019-2020 and last date for filling the forms without late fees from 26.08.2019 to 24.09.2019. The enrolment form is only invited from Government and Private recognized schools and those schools who are permanently affiliated with the board. It is humbly submitted that the date for filling the forms for Class 10<sup>th</sup> and Class 12<sup>th</sup> has already been elapsed on 09.09.2019 and for Class 9<sup>th</sup> and Class 10<sup>th</sup> the last date is of 24.09.2019. Copies of the notification dated 22.08.2019 is appended herewith as **Annexure P-3 (Colly)**.

7. That the respondent no. 4 has issued the affiliation regulations on 29.08.2005 which was amended on 11.02.2019. The Clause (ii) to (viii) the respondents have given the definitions of the schools and in (xii) the word institution has been defined. In Rule 3 of the affiliation regulations, the respondents have given the categories of affiliation. Clause 4 gives the categories of schools and Class 5 gives the conditions for affiliation and Rule 6 describes the procedure for application for affiliation and rule 7 gives the affiliation fee. The relevant rules are reproduced below for the kind perusal of this Hon'ble court:

*“ii. “Academic year” means the academic year to be counted from the April to March/or the dates as may*

*be decided by the Board/Government from time to time.*

- iii. *“Affiliation Rules” means rules and regulations made by ‘Board of School Education Haryana’ for the purpose of affiliation to the Board.*
- iv. *“Affiliation” means inclusion of the name of institution (School/College) in the approved list of the Board for the purpose of conducting the examination of its students and admitting/subjecting it to various privileges/obligations in relation to the Board.*
- v. *“Affiliation fee” means charges payable by the School/College to the Board in connection with affiliation.*
- vi. *“Chairman” means Chairman of the Board of School Education Haryana.*
- vii. *“Enrolment Return” means prescribed application form for submission of particulars of regular students of 8th class onwards for enrolment. (as per Board’s meeting 11.02.2019 Para-11 Point-05 Sub-Point 01)*
- viii. *“Enrolment Regulations” means “The Board of School Education Haryana, Enrolment Regulations”.*
- xii. *“Institution” means School/College imparting Education relating to Secondary/Senior Secondary level recognized by the Department of Education and affiliated to the Board.*

### **3 CATEGORIES OF AFFILIATION :**

- i) Middle Schools upto 8<sup>th</sup> class.
- ii) Secondary Schools upto 10<sup>th</sup> class.
- iii) Senior Secondary Schools upto 12<sup>th</sup> class.

**Note :** The school maybe affiliated stage wise or any stage in the first instance means school may be affiliated for 8th, 10th or 12th class directly without getting affiliation for 8th as the case may be. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01).

### **4. CATEGORIES OF SCHOOLS :**

- i) Government Schools run by State Government, Central Government or Government Departments like defence, railways etc. in the state of Haryana.
- ii) School run by individual, association of Individuals, registered trust, society or firms registered under Societies Registration Act. 1860 including aided schools.
- iii) A school running out side the State all over India after getting 'No Objection Certificate' from concerned State Government.
- iv) Any school or class of school specially allowed by Board of School Education, Haryana.

**Note :** The school is eligible for affiliation which is not already affiliated to another affiliating Board means the school running in one building/same

premises shall not be affiliated concurrently with two boards.

**5 CONDITION FOR AFFILIATION :**

- (a). *The institution applying for affiliation should have obtained recognition from the competent authority of Department of Education, of the state.*
- (b). *The institution shall make use of the syllabus and Text books published, printed and approved by the Board for study by its students. However, recognized unaided schools may adopt any text books based upon the contents of the syllabi of the Board with prior approval of the Board.*
- (c). *The management committee of private aided/unaided schools/colleges recognized by education department be formed in accordance with the rule 32 of Haryana School Education Rule 2003.*
- (d). *The institution shall undertake to make available all records/registers of students and teachers for verification of any fact by the Board on demand.*
- (e). *The institution shall undertake to make available the building/furniture and the services of its staff to the Board for conducting the examinations without charging any rent for*

*the building/furniture.*

- (f) The institution shall render all co-operation to the Board in conducting the examinations and checking the menace of copying impersonation & other irregularities.*
- (g) The institution shall implement all directions issued by the State Govt. or by Board from time to time for conducting the courses of study and examinations at various levels.*
- (h) The institution shall accept the responsibility to conduct the courses for the students of 'Open School' & for running of study centers.*
- (i) The institution shall be open to inspection by any Officer of the Board or any committee constituted for the purpose by the Chairman/Secretary,*
- (j) No institution which has been affiliated by the Board shall add to the Courses of Instructions in respect of which it is not affiliated to the Board or suspend/stop any course of instructions for which it has been affiliated without the prior permission of the Board.*
- (k) The Head of the institution while granting admission to the students migrating from other institutions irrespective of whether the migration is from within the State or outside*



*the State, shall ensure authenticity of the documents produced before him/her in support of the claim for admission and shall be personally responsible for the same.*

- (l) The verification so made shall be produced in the form of attested photocopy with the enrolment return to be submitted to the Board's office. An undertaking to the effect that the Head of the institution owns responsibility for the verification so made will be intimated to the Board along with Enrolment Return by him/her and shall be liable for disciplinary action in case anything adverse on the part of the institution is found against the rules/regulations of the Board and the Govt. The Students seeking admission in class X or XII after passing IX and XI from any other state or Central Board of Secondary Education must get enrolled within 20 days after getting SLC from the previous school. The head of the institution shall be responsible for making the admission well in time & within the prescribed dates of all the candidates who are eligible as per rules/regulations and instructions issued by the Board from time to time.*
- (m) The school running in the same building and premises shall not be affiliated with another*

*board concurrently.*

- (n) The medium of instructions-Hindi shall be the preferred medium of instructions in all schools however the school may impart education through the medium of any language other than Hindi such as English, Punjabi, Urdu etc.*
- (o) The Branch of the school running in a separate building shall be treated as a new school for affiliation purpose.*
- (p) Transfer/Sale of school–The Department/ Board would not allow to transfer/ sale of any property of school by one Society/ Management/ Trust / Individual or Individual Association to another Society/ Management/ Trust/ Individual or individual association through agreement/sale deed, shall be necessary*

**6. PROCEDURE FOR APPLICATION FOR AFFILIATION:**

*Any School run by individual, association of individuals, or firm or society registered under Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956) including Aided schools recognized by competent authority of Education Department, Haryana*

shall apply in prescribed form (appended as form) for affiliation to the Secretary Board of School Education Haryana along with affiliation fee by such date fixed by the Board from time to time.

The institution run by the State Government /Central Government as defined in the regulations shall also apply for affiliation in the prescribed form without affiliation fee.

#### 7. **AFFILIATION FEE :**

The affiliation fee shall be deposited as per details given below :

(i) Permanently recognized school upto 8 <sup>th</sup> class for permanent affiliation. (first time)	Rs. 8000/- lump sum
(ii) Provisionally recognized school upto 8 <sup>th</sup> class for provisional affiliation.	Rs. 8000/- lump sum
(iii) Affiliation continuation fee for 8 <sup>th</sup> to 12 <sup>th</sup> class for already affiliated school with BSEH.	Rs. 2000/- per year
(iv) Temporarily recognized school for temporary affiliation.	Rs. 8000/- per year
(v) Permanent recognized school upto 10 <sup>th</sup> class for permanent affiliation.	Rs. 20000/- lump sum
(vi) Permanent recognized school upto 12 <sup>th</sup> class for permanent affiliation.	Rs. 20000/- lump sum

*The above affiliation fee is subject to review from time to time by the Board.*

*If a school permanently recognized upto 8<sup>th</sup> class is upgraded and granted permanent recognition upto class 10<sup>th</sup>/12<sup>th</sup> then it shall pay Rs. 12000/- only as the difference (Rs. 20000-8000/-) for permanent affiliation.*

**Note** : *The Chairman may order the acceptance of applications for affiliation with a late fee of Rs. 5000/- in exceptional cases where the same has not been made within the time prescribed by the Board. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub- Point 01).*

#### **8. GRANT OF AFFILIATION:**

*The affiliation shall be granted by the Chairman on payment of prescribed fee and fulfilling of other conditions of affiliation.”*

The respondent no. 4 has also issued the enrolment regulations in Part II of the rules. In Rule 13 the eligibility of the enrolment has been given and in Rule 14 (i) scale of fee, (ii) Schedule for submission of enrolment return and fee are prescribed. The rules are reproduced below for the kind perusal of this Hon'ble court:

#### **(13) (1) ELIGIBILITY FOR ENROLMENT :**

*The following categories of students shall be eligible for enrolment:*

*(A) Regular/Private students whose 'Enrolment-cum-Admission form' along with prescribed fee is received within the prescribed dates for appearing in the Annual Middle Examination session 2018-19 conducted by Education Department. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01).*

*(B) The student admitted to 8<sup>th</sup> class in the Government/Private Institution recognized by the Government and affiliated to this Board with in the stipulated period provided he has passed 7<sup>th</sup> Standard examination conducted by Education Department (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01):*

*(i) If he/she has passed 8<sup>th</sup> class from any other Board/Recognized school situated in any other state and affiliated to any other Board/Education Department intends to join a high/Senior Secondary school in Haryana. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01).*

*(ii) If he/she has passed the 8<sup>th</sup> class examination conducted at school level/the Education Department/Board of School Education, Haryana. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01).*

*(iii) If he/she was studying in a Sainik School or in*

*a school affiliated to the Indian Council of Public Schools or any Anglo Indian or any educational institution in a foreign country before he seeks admission to a high/Senior Secondary School in Haryana and is in possession of a School Leaving Certificate duly attested by the Principal, of the School concerned, or a certificate of having passed 8<sup>th</sup> class or equivalent examination conducted by the Board/Education Department constituted by a competent authority and is further adjudged on merit to be a fit student for admission to 8<sup>th</sup> class or a High/Senior Secondary School in Haryana, by the District Education Officer, concerned. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01).*

*(iv) The cases not falling under any of the above-mentioned categories may be considered by the District Education Officer concerned and admission allowed by him on the merit of each case.*

*(C) The students admitted to 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> classes who have not been enrolled earlier on account of any valid reason i.e. admitted on account of migration from any other State, Institutions, affiliated to other Boards or have passed Matriculation Examination as a private candidate or*

*from Haryana Open School or failed candidates of Matriculation Examination who have not been enrolled earlier and subsequently admitted to 10<sup>th</sup> class in an institution. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01).*

*(D) The students who on migration from other States/Boards/Institutions affiliated to other Boards have been admitted as regular students in Government/Private Institutions recognized by the Government/affiliated to the Board within the prescribed dates of admissions or within 20 days from the last date of issue of School Leaving Certificate. Further, at the time of issuing of SLC the student should be on roll in the School. The Head of the Institution shall furnish the enrolment-return along with prescribed fee of such candidates, to the Secretary, Board of School Education Haryana, Bhiwani within 15 days from the date of admission in the institution. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01)*

**Note:**

*i. It is obligatory on the part of the Head of the institution to get provide the student data who admitted in the 8<sup>th</sup> class. In the next academic session regular enrolment retrun will be sent to the Board in 9<sup>th</sup> class. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01)*

- ii. *The Head of the institution shall furnish a certificate that the students shown in the enrolment-return except the students admitted on the basis of migration, have been studying in the institution right from the start of the academic session.*
- iii. *The students who have already been enrolled need not be enrolled again.*
- iv. *If the name of a candidate has been struck off and S.L.C. has been issued, his/her enrolment number will be issued only, after determining his/her eligibility, on the request of the institution where he/she has sought admission.*
- v. *In case any school fails to get discrepancies removed or documents completed up to 15 days before the commencement of the every academic yearly examination in respect of any candidate his enrolment return will be cancelled by the Secretary.*  
*(as per Board's meeting 11.02.2019 Para-11)*

(14) **SCALE OF FEE:**

*The amount of enrolment fee payable by each student shall be as follows:*

- (i) *The students who have passed their 10<sup>th</sup> and 11<sup>th</sup> class from the Board/Institution recognized by the Government and affiliated to the Board.*

**--- Rs. 150/- or as decided by Board from time to time.**



(ii) *The students who have passed the lower class from other Boards/Institutions affiliated to other Board.*

**--- Rs. 200/- or as decided by Board from time to time.**

**Note :** *The fee prescribed are subject to revision at any time by the Board. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01)*

#### **14.(II) SCHEDULE FOR SUBMISSION OF ENROLMENT RETURN & FEE**

*Dates for submission of enrolment-return and fee will be the same as fixed by the Chairman for each academic year.*

- (i) *Enrolment Return can be submitted, with the prior permission of the Secretary with a late fee of Rs. 100/- (or as decided by the Board from time to time) per candidate for the same class/same session along with certified copies of admission and withdrawal Register, Attendance Register, S.L.C. within 07 days from the last date of without late fee of the same academic year only. The school will also submit its original record for verification. (as per Board's meeting dated 30.04.07 Para-10).*
- (ii) *Enrolment Return can be submitted, with the prior permission of the Secretary with a late fee of Rs. 500/- (or as decided by the Board from time to time) per candidate for the same class/same*

*session along with certified copies of admission and withdrawal Register, Attendance Register, S.L.C. up to 31<sup>st</sup> December of the same academic year only. The school will also submit its original record for verification.*

- (iii) Enrolment Return can be submitted for the same class /session, with the prior permission of the Chairman with a late fee of Rs. 1000/- (or as decided by the Board from time to time) per candidate before 30 days and with a late fee of Rs. 2000/- (or as decided by the Board from time to time) Board along with certified copies of Admission and Withdrawal Register, Attendance Register, S.L.C. The School will also submit its original record for verification. (as per Board's meeting 29.09.2006 Para-27).*
- (iv) If the result of a candidate is declared late due to R.L.A./R.L. (U.M.C.) or result revised due to rechecking and the candidate has taken admission within 20 days from the date of declaration of result, his/her enrolment return will be accepted without any late fee within the next 15 days. It will not be applicable to cases where the result was declared late due to R.L. (Fee). Enrolment Branch will deal such cases after obtaining report from the concerned Examination Branch.”*

Copies of the affiliation regulations and enrolment regulations regarding the respondent no. 4 dated 11.02.2019 are appended herewith as **Annexure P-4**.

8. That as per the definition given by the respondents in respect of the deemed recognized school is reproduced below for the kind perusal of this Hon'ble court:

***“2. The schools already has one part as permanent and higher part as temporary recognized may be treated as permanent/Deemed recognized.*”**

*The temporary recognition was granted by the department by the latest in the year 2001. After the commencement of Haryana School Education Rules, 2003 the provisions of the Rules were not implemented due to the court cases. Therefore, they have been allowed to continue upto 31.03.2007.*

*The temporary recognition was granted under certain conditions such as extra class room, faculty and other facilities which were to be fulfilled. The department has no objection to entertain their claim if they fulfil the conditions under the new norms.*

*This matter has already been discussed in the last meeting held on 12.08.2006 under the chairmanship of Hon'ble Education Minister this issue was discussed in length and decided the same was notified accordingly.”*

The respondents have also clarified the Rule 38 as per the meeting held on 12.08.2006. It is the definition given by the respondents in respect of Rule 38 is the same one as interpreted by this Hon'ble High Court in its judgments dated 11.08.2010 and 07.02.2011 as mentioned in the main writ petition. Another meeting was held under the Chairmanship of the worthy Chief Minister, Haryana on 30.03.2007 in which the respondents have notified the minutes of meeting which are reproduced below for the kind perusal of this Hon'ble court:

**Minutes of Meeting:**

*At the outset, the FCEL apprised the participants about the need to convene this meeting on the demands made by the associations of recognized and unrecognized schools under the amended Haryana School Education Rules, 2003. The Hon'ble CM asked the members of the associations to submit their demands. The representative of the schools demanded that:*

- 1. All the schools running as permanently recognized before commencement of the Haryana School Education Rules, 2003 i.e. before 30.04.2003 may be exempted from the compliance of norms of land and building under the Haryana School Education Rules, 2003.*
- 2. The schools, which have not applied till date may be allowed to submit their form II (Application for recognition) upto 30<sup>th</sup> Sept, 2008.*

3. *All the schools running as unrecognized upto 31.03.2007 may be considered under the category of existing schools and relaxed norms of land and building may be applied to them.*
4. *Schools may be exempted from the condition of CLU or NOC from Town and Country Planning Department and Municipal Committees.*
5. *The land norms for High Schools and Sr. Sec. Schools may further be relaxed to 100 Sq. Mt. and 1400 Sq. Mt. respectively.*
6. *Further relaxation of 25% in land area for schools having 3 storeyed building be granted under the present norms.*
7. *The ratio between built up and open area given as 35:65 be withdrawn.*
8. *The schools covered under the existing category may be allowed to be upgraded under the relaxed norms of land under the Haryana School Education (Amended) Rules, 2007.*
9. *Play grounds of Govt. Schools and Stadiums be allowed to be used by these schools.*
10. *Financial penalty under Rule 3 should be omitted.*
11. *Distance between two staircases of 40 ft. is too low.*

Copy of the notification issued by the respondents on 16.03.2007 and the minutes of the meeting dated

30.03.2007 are appended herewith as **Annexure P-5 (Colly)** for the kind perusal of this Hon'ble court.

9. That the respondents have not followed the due procedure of law by not including the names of the member schools of the petitioner association in the list of existing schools. The rules framed by the respondents for including the name of the schools in the list of existing schools, as well as, the proviso of the Haryana School Education Rules 2003 are reproduced below for the kind perusal of this Hon'ble Court:-

**“1. Permanently Recognized Schools:**

*All those schools that were permanently recognized before 30<sup>th</sup> April 2003 will not have to seek any fresh recognition or NOC from the Education Department as provided under rule 38. They will, however, have to submit returns regarding their land and building in an amended form II for record purposes.*

**2. Definition of Existing Schools:**

*The benefit of relaxed rules/norms for existing schools, which was earlier granted for existing schools before 30<sup>th</sup> April, 2003 is now extended to schools existing upto 31.03.2007. The categories of such schools are given below:*

- i. The schools temporarily recognized by Education Department or temporarily affiliated with Haryana Board of School Education, Bhiwani till 31<sup>st</sup> March 2007.*

ii. *Un-recognized schools who provide proof of their being in operation for a period of last four years (upto 31.03.2007) by documents such as Electricity Bills, Water Bills, Telephone Bills, records of establishment of school, as private candidates in public examination, admission forms and withdrawal register, enrolment forms, ownership or lease records of school land, proof of internal examination, income tax documents and registration deed of societies under the Societies Registration Act. The category of un-recognized schools would be given relaxation only upto class 8<sup>th</sup>. These documents should pertain to the last 4 years. They should prove to the District Education Officer that the concerned unrecognized school was in existence and doing academic work since the last 4 years.”*

**“29. Opening and establishment of new school in the State  
Sections 3 and 24 (2) (a) (c)**

(1) *Every individual or association of individuals or firm or society registered under Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956), shall apply to the appropriate authority in Form-I alongwith demand draft of Rs.1,000/- for primary school, Rs.2,500/- for middle school, Rs.5,000/- for high school and Rs.10,000/- for senior secondary school as processing fee in favour of*

*Director expressing their intention to establish such school.*

*(2) he applicant in addition to the application referred to in sub-rule (1), shall give an undertaking containing the following particulars, namely:-*

*(a) the area in which the new school is proposed to be established, and the approximate number of students likely to be enrolled in that school;*

*(b) the stage of education intended to be imparted in the new school;*

*(c) the particulars including measurements of the building or other structures in which the school is proposed to be run;*

*(d) the financial resources from which the expenses for the establishment and running of the school shall be met;*

*(e) the composition of the managing committee of the proposed new school until the new school is recognized and a new managing committee is constituted in accordance with the scheme of managing committee made under these rules;*

*(f) the proposed procedure, until its recognition under these rules, for the selection of the head of the school and other teachers and*



*non-teaching staff and the minimum qualifications for their recruitment;*

*(g) the proposed salary of the staff to be notified.*

*The salary so notified shall not be less than minimum wage policy of the state, if notified by Labour Department for the classes covered under minimum Wages Act, and for teaching staff any minimum salary standards specified by Education Department/ Deputy Commissioner;*

*(h) admission, tuition and other fees and funds which would be levied and collected until its recognition under these rules, from the student of the proposed new school;*

*(i) any other facility which is proposed to be provided for the students of the proposed new school.*

*(3) The [appropriate Authority]\* may, after considering the particulars specified in the application sub-rule (1) and after making such inquiries as deemed fit inform the person or persons by whom the application was given to him whether or not opening of the proposed new school would be, in the public interest, within 90 days from the receipt of this application. If no decision is taken within such period, it will be deemed to have been permitted. However, such permission does not enable school to get recognition automatically for which the*

*applicant shall have to fulfill all the required conditions;*

- (4) *The permission granted to establish a new school shall be effective from the date decided upon by the appropriate authority and ordinarily it shall be granted from the date of commencement of next academic session. The permission shall be valid for two academic sessions only.*

### **RECOGNITION OF SCHOOLS**

30. (1) *No private school shall be recognized, or continue to be recognized, by the appropriate authority unless the school fulfils the following conditions, namely:-*

- (a) (i) *the school is run by an individual or association of individuals or firm or society registered under the Societies Registration Act, 1860 (21 of 1860), or trust created under the Indian Trusts Act, 1882 (2 of 1882), or company registered under the Companies Act, 1956 (1 of 1956), and is managed in accordance with a scheme of management made under these rules alongwith a certificate of appropriate authority regarding area of operation in the State of Haryana;*
- (ii) *the prior approval from the [appropriate Authority]\* for opening of new school has been obtained and copy of such approval is*

*attached with the form of application as referred to rule 29;*

- (iii) no admission beyond Class-III shall be made by any school before the sanction of its recognition or in its anticipation;*
- (iv) that all the teachers are suitably trained with minimum qualifications as per Appendix A and are academically and otherwise suitable to teach in these schools and the rate of salary being paid to the staff as notified;*
- (v) that the terms on which the teachers are engaged are reflected in the written agreement between the managing committee and each teacher as per Appendix B and the same are attached;*
- (vi) that the school follows approved courses of instructions as provided in these rules;*
- (vii) that the admission to the school is open to all without any discrimination based on religion, caste, race, place of birth or any other whimsical or for extraneous reasons, except in the case of minority schools, however, which shall maintain transparency in admissions;*
- (viii) that the managing committee observes the provisions of these rules;*

- (ix) *that minimum norms for land and building in which school is carried on are in accordance with sub-rule 30 (b).*
- (x) *that the managing committee has submitted the owner's deed of the land - school building as well as play ground in the name of individual or association of individuals or society or firm or trust or company from the Revenue Department. In case the land is more than one patch, the size of land duly countersigned by the Tehsildar or Sub Divisional Magistrate concerned that the patches of land are adjacent to each other, if not at one place the distance between the buildings/patches be specified;]\*\*\**
- (xi) *that the school building is properly planned, ventilated and spacious as per architectural norms approved by district town planner / municipality / registered architect;*
- (xii) *that a building safety certificate has been obtained from Public Works Department/municipality/registered engineer;*
- (xiii) *that if there is any business premises in any part of the building in which school is run, the portion in which the school is run is separate from such business premises. A certificate to this effect should be attached with the application form.*

- (xiv) that furniture and equipment are adequate and suitable for an educational institution;*
- (xv) that the salaries of teachers and nonteaching staff are paid regularly;*
- (xvi) that the pledge money as per sub rule 30(2) has been deposited in the name of District Education Officer/ District Primary Education Officer concerned (by designation);*
- (xvii) that the school buildings or other structures or the grounds are not used during the day or night for commercial or residential purposes (except separate residence of any employee of the school away from academic wing) or for communal, political or non-educational activity of any kind whatsoever;*
- (xviii) that there is no thoroughfare or public passage through any part of the school premises;*
- (xix) that the sanitary arrangements at the school are adequate and are kept in good order. A hygienic certificate shall be obtained from Chief Medical Officer/Local Medical Authority;*
- (xx) that drinking water arrangements are adequate;*
- (xxi) that there is a provision of electricity fitting and electric fans in each classroom;*

*(xxii) that no teacher or student of the school is compelled to attend a class in which religious instruction is given or take part in any religious activity. No teacher or student absenting himself from religious instruction or religious activity is made to suffer any disability on that account and student is refused admission to the school because exemption from attendance at religious exercises or religious instruction has been claimed by him or his parent or guardians.*

*Provided this provision shall not be applicable to minority school.*

*(xxiii) that there should be no complaint/ inquiry pending against school building / managing committee seeking recognition. An undertaking to this effect that land / building is free from litigation shall be submitted;*

*(xxiv) that facilities are provided for teaching of languages in accordance with the three language formula, adopted by the Government;*

*(xxv) that the school is open to inspection by any officer authorized by appropriate authority/ Director;*

*(xxvi) that the school furnishes such reports and information as may be required by the*

*Director from time to time and complies with such instructions of the appropriate authority or the Director as may be issued to ensure the continued fulfilment of the condition of recognition or the removal of deficiencies in the working of the school;*

*(xxvii) that the school shall maintain all records as per rule 28. All records of the school are open to inspection by any officer authorized by the Director or the appropriate authority at any time, and the school furnishes such information as may be necessary to enable the Government or the Director to discharge its or his obligations to the affiliated board, as the case may be;*

*(xxviii) that the school shall not be in operation from residential buildings or building not earmarked for school in the State of Haryana;*

*(xxix) that a fire certificate shall be obtained from local fire authority;*

*(xxx) that schools shall provide atleast one computer with modem and internet connectivity.]*

*(b) Minimum norms for land and buildings*

**(i) Land**

<i>School</i>	<b>Rural/Urban/ Controlled areas</b>
<i>Primary</i>	<i>0.5 Acre</i>
<i>Middle</i>	<i>1.0 Acre</i>

<i>Secondary</i>	<i>2.0 Acre</i>
<i>Senior Secondary</i>	<i>2.0 Acre</i>

*Provided that the norms of land for the schools running recognized/unrecognized before commencement of Haryana School Education Rules, 2003, shall be as under:-*

<b>School</b>	<b>Rural/Urban/ Controlled areas (for single storey building)</b>	<b>Rural/ Urban/ Controlled areas (for double storey building)</b>
<b>Primary</b>	500 Sq. meters	350 Sq. meters
<b>Middle</b>	800 Sq. meters	600 Sq. meters
<b>Secondary</b>	2000 Sq. meters	1500 Sq. meters
<b>Senior Secondary</b>		
<b>(i) Arts &amp; Commerce</b>	3000 Sq.meters	2250 Sq. meters
<b>(ii) Arts/Commerce &amp; Science</b>	4000 Sq.meters	3000 Sq. meters

*In addition to above, these schools shall provide or make arrangement for adequate play ground within the radius of 500 meter according to the number of students.*

*The covered area and open area shall be in the ratio of 35/65%:*

*Provided further that the schools mentioned in the first proviso shall continue upto the stage according to these norms, but if they desire to add or start higher classes or up-grade the school or change of building or change of*



*name, they shall have to fulfill and to provide land and building as per norms required for the establishment of new school.*

*Note: - A private school can be run in a rented building/ land on lease hold basis with a minimum period of twenty years irrevocable lease deed provided such school fulfills the norms of land and building as specified under these rules;*

**(ii) Building-**

- (a) *classroom: Minimum size - 24' x 18' or equivalent area. Height of classroom shall be atleast 10 feet:*

*Provided that the school running as recognized/unrecognized before the commencement of the Haryana School Education Rules, 2003, the minimum size of classroom shall be fixed keeping in view the per square feet gross area/ requirement per student;*

- (b) *number of classrooms shall be equal to the number of sections in the school. The classroom shall have two doors, requisite*

*number of windows and proper ventilation;*

- (c) number of students in a section shall not be more than fifty. It is further subject to the condition that number of students in the classroom shall not be more than the students calculated on the basis of 10 square feet per student for secondary and senior secondary schools and 9 square feet per student for elementary stage/nursery stage.;*

**(d) veranda**

*There shall be veranda with every class room:*

*8 feet in width for single loaded;*

*10 feet in width for double loaded;*

*Provided that the school running as recognized/ unrecognized before commencement of the Haryana School Education Rules, 2003, the norms for veranda shall be as under:-*

*6 feet in width for single loaded;*

*8 feet in width for double loaded;*

(e) *the school shall provide the following facilities:—*

- Toilet and urinals (staff, boys and separate for girls at a far off distance)*
- Additional toilet to be added after every 200 students*
- Electricity facility · Drinking water facility · Boundary wall*
- Proper space for morning assembly*

(f) *in case of middle, high and senior secondary school, the following rooms in addition to class-rooms shall be provided:-*

- Room for head of the school*
- Office room*
- Staff room*
- Library room*
- Laboratory for practical subject (according to the stream/each subject)*
- One room for Computer Laboratory. The school shall have atleast one computer with*

*modem and internet connectivity for official and school management purpose;*

*(g) every school shall provide ramp at plinth level*

*(h) the school building having more than one storey shall provide one ramp and one staircase of atleast 6' width:*

*Provided that the school running before commencement of the Haryana School Education Rules, 2003, the norms for stairs and ramp shall be as under:—*

*Stair: 4.6 feet in width. The additional stairs shall be provided after linear distance along the building between two staircase shall not be more than 100 feet.*

*NOTE: The appropriate authority shall be competent to relax the size of land and building upto ten percent and also allow minor variations which would otherwise not affect health and safety of students and staff;*

- (2) *Pledge money atleast equal to six months basic pay of the staff but in no case less than the amount as mentioned below, shall be deposited in the name of Director School Education (by designation), in the shape of fixed deposit or bank guarantee not less than a period of three years:—*

<b>Stage</b>	<b>Class</b>	<b>Rs.</b>
<b>Primary</b>	<i>I-V</i>	<i>50,000</i>
<b>Middle</b>	<i>I-VIII</i>	<i>1,00,000</i>
<b>Secondary</b>	<i>I-X</i>	<i>1,50,000</i>
<b>Senior Secondary</b>	<i>I-XII</i>	<i>2,00,000</i>

*The pledge money shall be utilized in case of non-payment of salary to the staff or to redeem any unforeseen liabilities of the school.]*

- (3) *Every private school should provide the following facilities:-*

**(i) Physical education:**

*Suitable playground for the purposes of games, sports, and materials for such games and sports;*

**(ii) Laboratory work:**

*Each school shall have a well equipped laboratory for each practical subject with at least five sets of equipments for each practical as per syllabus.*

**(iii) Workshop practice:**

*Well equipped workshops shall be provided by school as per requirement.*

**(iv) Co-curricular activities:**

*As many co-curricular activities, as may be possible, so as to give to every student an opportunity of participating in one or more of the following activities, namely:*

- (a) debates;*
- (b) recitation or elocution;*
- (c) dramatics;*
- (d) music (including folk songs), dancing (including folk dances);*
- (e) hobbies of different types;*
- (f) mock / youth parliament;*
- (g) house system;*
- (h) prefectorial system;*
- (i) class competition;*
- (j) National Cadet Corps / National Social Service;*
- (k) scouts and guides / cubs and bulbul;*
- (l) Science clubs;*
- (m) Eco labs / clubs;*
- (n) activities providing for social services; and*
- (o) any other co-curricular activity.*

- (4) The accounts of the school applied for recognition, shall be audited by the department. The department shall take in*

*consideration the audit observation for the recognition of the school.”*

10. That the respondents are not inclined to accept the enrolment forms of the students studying in the member schools of the petitioner association. The member schools of the petitioner association are entitled to get their provisional extension be extended for the academic session of 2019-2020 as their cases are still pending with the respondents for granting them the provisional recognition for the current academic session as more than half of the session has already been elapsed and it could create hurdles for the member schools of the petitioner association and the students studying in those schools. The students could not able to concentrate on their studies which could affect their result for the examination to be conducted by the respondent no. 4 in the months of February & March 2020.

It is humbly submitted that the respondents have not withdrawn the provisional recognition of member schools of the petitioner association for the current academic session thus, the respondent no. 4 cannot refuse to accept the enrolment and affiliation forms of member schools of the petitioner association whose names are given in the para 5 of the writ petition. Rule 211 of the Haryana Education Rules, 2003 clearly stipulates the definition of school which is

reproduced below for the kind perusal of this Hon'ble court:

**211. Definitions.**

*A school is said to be recognised when it is allowed to present pupils for examinations held under the orders of the Department or by the Board of School Education, Haryana, to send candidates for public scholarship and to admit holders of such scholarships.*

The respondents are allocating the students under Rule 134-A to the member schools of the petitioner association whose names are given in the para 5 of the writ petition then how could the respondents withheld their right to fill the enrolment and affiliation forms.

11. That the following questions of law have been enumerated in the present writ petition for the kind perusal and adjudication by this Hon'ble court:
  - i. Whether the respondents could withheld the enrolment and affiliation forms of the member schools of the petitioner association in violation of the statutory rules framed by the respondent no. 4 on 11.02.2019 (**Annexure P-4**)?
  - ii. Whether the member schools of the petitioner association are entitled for getting the provisional recognition be extended for the academic session of 2019-2020 and their portal be opened by the



respondents for filling their enrolment and affiliation forms for the academic session of 2019-2020?

iii. Whether the member schools of the petitioner association are entitled to get the dates for Class 9<sup>th</sup> and 12<sup>th</sup> be extended for filling their enrolment and affiliation forms from 09.09.2019 and 24.09.2019?

12. That the petitioner association has left with no other efficacious remedy except to approach this Hon'ble court by way of filing the present writ petition to get the relief sought on behalf of their member schools by getting their rights be protected by this Hon'ble court as no right of appeal or revision is available in the present case.

13. That no such or similar petition has been filed by the petitioner association before this Hon'ble court or before the Hon'ble Supreme Court of India on the same cause of action. Two more writ petitions i.e. CWP No. 26079 of 2019 and CWP No. 26538 of 2018 are pending before this Hon'ble court for 24.09.2019 on the identical issue in which notice has already been issued by this Hon'ble court.

#### **PRAYER CLAUSE**

i. It is, therefore, respectfully prayed that a writ of certiorari may kindly be issued to set aside the notification issued by the respondent no. 4 on 22.08.2019 (**Annexure P-3 (Colly)**) where the respondent no. 4 has issued the notification for filling the enrolment forms from Class 9<sup>th</sup> to Class 12<sup>th</sup> for the

academic session of 2019-2020 by the students studying in the government and private recognized schools and who are permanently affiliated with the respondent no. 4, the schedule is going to be elapsed on 24.09.2019 for Class 9<sup>th</sup> and Class 11<sup>th</sup> without fine whereas, the date for filling the enrolment forms for Class 10<sup>th</sup> and Class 12<sup>th</sup> has already been elapsed on 09.09.2019, as the respondent no. 4 is not allowing the students of the member schools of the petitioner association to fill their enrolment forms in violation of the amended affiliation and enrolment regulations issued by the respondent no. 4 on 11.02.2019 **(Annexure P-4)**;

- ii. A writ of certiorari may kindly be issued to set aside the notification dated 22.08.2019 **(Annexure P-3 (Colly))** as the respondent no. 4 is not allowing the provisionally affiliated schools to fill the enrolment forms of their students studying in Class 9<sup>th</sup> to Class 12<sup>th</sup>, not only in violation of affiliation and enrolment regulations amended on 11.02.2019 **(Annexure P-4)**, as well as, the respondent no. 4 has not opened the portal of those schools who falls in the definition of deemed recognized schools as notified by the government on 16.03.2007 & 30.03.2007 **(Annexure P-5 (Colly))**, the respondent no. 4 has not receiving the enrolment forms of the students of those member schools who are having the permanent recognition upto higher standards and having provisional recognition upto Senior

Secondary level, the respondent no. 4 has even not opened the portal of the those schools also;

- iii. A writ of mandamus may kindly be issued to the respondents to treat the notification issued on 22.08.2019 **(Annexure P-3 (Colly))** as null and void by directing the respondent no. 4 to receive the enrolment forms of the students of the member schools of the petitioner association for Class 10<sup>th</sup> and Class 12<sup>th</sup> by extending the time frame for the member schools of the petitioner association to fill the enrolment and affiliation forms with the respondent no. 4 without paying late fee;
- iv. A writ of mandamus may kindly be issued to the respondent no. 1 to 3 to immediately issue the provisional recognition of the member schools of the petitioner association so that the respondent no. 4 could receive the enrolment and affiliation forms of the member schools of the petitioner association before elapsing the day for filling the enrolment forms which is 24.09.2019 without late fee for Class 9<sup>th</sup> and Class 11<sup>th</sup>, as well as, the date for filling the enrolment forms for Class 10<sup>th</sup> and Class 12<sup>th</sup> has already been elapsed so date may kindly be extended from 24.09.2019 for all the classes from Class 9<sup>th</sup> to Class 12<sup>th</sup> as per notification dated 22.08.2019 **(Annexure P-3 (Colly))**;
- v. A writ of mandamus may kindly be issued to the respondents in order to safeguard the future of the students of the member schools of the petitioner

association, the portal be immediately opened by the respondent no. 4 for filling the enrolment and affiliation forms as per notification dated 22.08.2019 (**Annexure P-3 (Colly)**) on the basis of the extension of the provisional recognition of the member schools of the petitioner association for the academic session of 2019-2020 in the interest of justice.

- vi. The petitioner association may kindly be granted exemption from filing the certified copies of the Annexure P-1 (Colly) to Annexure P-5 (Colly), without appending the certified copies of the aforesaid annexure, as well as the permission be also granted to append the photocopies of the Annexure P-1 (Colly) to Annexure P-5 (Colly) alongwith this petition.

Petitioner through Counsel

Place: Chandigarh  
Dated: 22.09.2019

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner

**VERIFICATION:**

Verified that all the contents mentioned in the writ petition are true and correct to the best of the knowledge of the petitioners and nothing have been concealed from this Hon'ble Court. In para no 1 to 10, 12 and 13 are true to the best of knowledge of the petitioners and question of law has been mentioned in para no. 11 of the writ petition.

Place: Chandigarh  
Dated: 22.09.2019

**PETITIONER**

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No \_\_\_\_\_ of 2019

NISA Education

Petitioner

VERSUS

The State of Haryana & Ors

Respondents

Affidavit of Kulbhushan Sharma son of Sh. J.P. Sharma, age 53 years, resident of House No. 52-53, Vidhya Nagar, Nanhera, P.O. Kuldeep Nagar, Ambala Cantt. President of NISA Education having registered office at A-24-D, Ground Floor, Hauz Khas, New Delhi, do hereby solemnly affirms and declare as under:-

1. That the deponent being petitioner is fully conversant with the facts and circumstances of the case.
2. That on the request of the deponent, his counsel has prepared the writ petition on the basis of information and record provided by him.
3. That the deponent has gone through the contents of the writ petition which are true and correct to his knowledge.
4. That the contents of t-he writ petition may kindly be treated as part and parcel of this affidavit.

Place: Chandigarh

Dated: 22.09.2019

DEPONENT

**VERIFICATION:-**

Verified that the contents of my aforesaid affidavit mentioned in paragraphs 1 to 4 are true and correct to my knowledge. No part of it is false and nothing relevant has been kept concealed therein from this Hon'ble Court.

Place: Chandigarh

Dated: 22.09.2019

DEPONENT

# NISA EDUCATION

Regd office at A-24-D, Ground Floor, Hauz Khas, New Delhi

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Ref. No \_\_\_\_\_

Dated: 22.09.2019

## **RESOLUTION**

The meeting of the association has been convened on 22.09.2019 in the present of the most of the members of the association, in which the agenda regarding the filing of the case before the Hon'ble Punjab and High Court was considered regarding the issue of non-opening of portal of the member schools by the Board of School Education Haryana, Bhiwani and non-renewal of provisional recognition by the Education Department, Haryana. In this regard, the President of NISA, Sh. Kulbhushan Sharma, has been authorised to take all necessary steps regarding the filing of the case as well as he has been authorised to append his signature on the relevant document in respect of the case on behalf of the association.

**SECRETARY**

**PRESIDENT**

**TREASURER**

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &  
HARYANA AT CHANDIGARH**

CWP No \_\_\_\_\_ of 2019

NISA Education

Petitioner

VERSUS

The State of Haryana & Ors

Respondents

**INDEX**

Sr. No.	Particulars	Dated	Page No.	Court Fees
1.	List of Dates and Events	22.09.2019	1-3	0.00/-
2.	Civil Writ Petition	22.09.2019	4-51	50.00/-
3.	Affidavit in Support	22.09.2019	52	0.00/-
4.	<b><u>Annexure P-1 (Colly)</u></b> Society registration certificate and memorandum of association	26.10.2015	53-71	12.35/-
5.	<b><u>Annexure P-2</u></b> List of Member Schools	----	72-92	13.65/-
6.	<b><u>Annexure P-3 (Colly)</u></b> Notification	22.08.2019	93-101	0.00/-
7.	<b><u>Annexure P-4</u></b> Affiliation & Enrolment regulations	11.02.2019	102-116	9.75/-
8.	<b><u>Annexure P-5 (Colly)</u></b> Notification & Minutes of Meeting	16.03.2007 & 30.03.2007	117-133	11.05/-
9.	<b><u>Vernacular of Annexure P-3 (Colly)</u></b> Notification	22.08.2019	134-137	2.60/-
10.	Resolution	22.09.2019	138	0.00/-
11.	Power of Attorney	22.09.2019	139	2.65/-
<b>TOTAL</b>				<b>104.00</b>

**NOTE:**

1. The main law points enumerated in the present writ petition are at page No. 47 and 48 in para No 11 thereto.
2. Whether any Caveat petition has been filed or not: **-Nil-**
3. Similar case, if any: **CWP No. 26079 of 2019 and CWP No. 26538 of 2019 which is listed for 24.09.2019.**
4. Violations of the provisions of:-
  - i. Article 14 & 16 of Constitution of India.
  - ii. Provisions of the Haryana Education Act 1995 and Rules, 2003 to 2009 (reproduced in main writ petition).
  - iii. Rules framed by the respondent no. 4 regarding affiliation and enrolment regulations dated 11.02.2019 (**Annexure P-4**).
  - iv. No varies have been challenged in the present writ petition. Only the implementations of the rules are being prayed for.

Petitioner through Counsel

Place: Chandigarh  
Dated: 22.09.2019

**(PANKAJ MAINI)**  
Advocate  
P-1390/2001  
Counsel for the Petitioner