



## GOVERNMENT OF KERALA

### Abstract

General Education Department - No Objection Certificate for CBSE Affiliation to Mount Thabore Central School, Peechanikkad, Puliyanam P.O, Ernakulam Dt. - Judgment dated 14.09.2012 in WP(C) No.42/12 - Complied - Orders issued.

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### GENERAL EDUCATION (N) DEPARTMENT

G.O.(MS)No.402/2012/G.Edn. Thiruvananthapuram, Dated 21.12.2012

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- Read
1. G.O.(MS)No.18/88/G.Edn. dated 12.01.1988.
  2. Order dated 18.7.2011 of the Hon'ble Supreme Court of India in SLP No.11666-11667/2009.
  3. G.O.(MS)No.202/11/G.Edn. dated 07.10.2011.
  4. Interim Order dated 14.09.2012 in WP(C) No.42/12 filed by the Manager, Mount Tabore Central School, Peechanikkad, Puliyanam P.O
  5. Letter No: NS2/31137/12/DPI dated 26.06.2012 from the Director of Public Instruction, Thiruvananthapuram.
  6. Govt. letter No.36783/N3/2012/G.Edn dated 28.09.2012.

### ORDER

Government have issued new guidelines for the issuance of NOC for CBSE/ICSE affiliation of Schools as per G.O. read as 3<sup>rd</sup> paper above. As per the reference read as 4<sup>th</sup> paper above, the Hon'ble High Court of Kerala has directed the Government to consider the application of **Mount Thabore Central School, Peechanikkad, Puliyanam P.O, Angamaly (Via), Ernakulam Dt.** for grant of NOC without insisiting on compliance with Clauses (iv) and (xiv) of the Guidelines and to pass appropriate orders within six weeks from the date of receipt of the copy of the order subject to further orders to be passed in the WPs. The application of the school was deferred in view of the common Writ Appeal filed by the Government against the Interim Order dated 20.4.2012 in WP(C) No.32940/2011 and other similar cases. The Hon'ble High Court in its judgment dated 14.9.2012 dismissed the Writ Appeal No.1042/2012 repealing the guidelines in respect of minimum strength of pupils (Clause (xiv)) area of land (Clause (iv)) UID details etc. The application of Mount Tabore Central School, Peechanikkad, Puliyanam P.O, Ernakulam Dt. is defective in terms of the following shortcomings and the school authorities have been notified the same as per letter read as 6<sup>th</sup> paper above.

1. Possession certificate, GPS map , Certificate from PF authorities and UID of Students not submitted,
2. In the sketch plan the name of the school is overwritten.
3. Landed property is lease on deed to society.
4. Latest location certificate and site plan required.
5. Only 8 qualified teachers.

Government have decided to file SLP against the judgment of the Hon'ble High Court of Kerala and action is being taken for the purpose. In the meantime, the Manager, Mount Tabore Central School has filed Contempt of Court Case No.1757/12(S) against the Secretary to Government, General Education Department alleging non compliance of the order in WP(C) No.42/12

Government have examined the matter in detail and are pleased to issue NOC for CBSE affiliation in respect of **Mount Thabore Central School, Peechanikkad, Puliyanam P.O, Angamaly (Via), Ernakulam Dt.** subject to the outcome of the SLP to be filed by the Government against the judgment dated 26.07.2012 WP(C) No.17541/2012 and execution of agreement with Government in the prescribed format and subject also to the rectification of the defects notified.

The Interim Order read above is thus complied with.

(By Order of the Governor)  
GEORGE THOMAS  
Deputy Secretary to Govt.

To

✓ The Manager, Mount Thabore Central School, Peechanikkad, Puliyanam P.O,  
Angamaly (Via),Ernakulam Dt.-683 572

The Director of Public Instruction, Thiruvananthapuram,  
The Deputy Director of Education, Ernakulam through the DPI, Tvpm.  
The District Educational Officer, Aluva through the DPI,Tvpm.  
The Advocate General, Ernakulam.(with covering letter)  
The Standing Counsel, New Delhi. (with covering letter)  
The Secretary, CBSE, New Delhi (with covering letter)  
Stock File/Office Copy.

Forwarded/By Order

  
Section Officer.