

ORDER

The petitioners, who are educational institutions running Schools having classes from Standard I to X, have approached this Court seeking the following relief:

“Issue writ of mandamus or directions to the respondents to consider their case for having granted permanent recognition not to insist for renewal of recognition time and again in the light of the Apex Court judgment in TMA Pai Foundation Vs. Union of India and others and further declare that Circular bearing No.C7(2)PRASHIA:KA.SHA.MA.N:46 :2021-22 dated 22-3-2022 as per Annexure ‘F’ to the effect that Right of Children to Free and Compulsory Education Act, 2009, and Rules thereunder will prevail over the Karnataka Education Act, 1983, and Rules thereunder for the purposes of recognition and renewal of recognition are not applicable to the minority educational institutions and restore the names of the petitioners Schools in the SSLC Marks Card and Result Sheet.”

2. The case of the petitioners is that by a Circular No.ED 113 VIVIDHA 2005 dated 2-11-2006 (Annexure-H), they were granted permanent recognition. The petitioners are placing in particular on the following paragraph in the above said Circular:

“(2)(ಅ) ಈ ಉಪ ಕಂಡಿಕೆ (2)ರಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಪ್ರಕರಣಗಳ ಪೈಕಿ, ಅಂದರೆ, ಈ ಸುತ್ತೋಲೆಯನ್ನು ಹೊರಡಿಸಿದ ದಿನಾಂಕದ ಪೂರ್ವದಲ್ಲೇ ಈಗಾಗಲೇ ಮಾನ್ಯತೆಯನ್ನು ಪಡೆದು ಸಂಬಂಧಿಸಿದ ಖಾಸಗಿ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಅಥವಾ ಖಾಸಗಿ ಶಾಲೆ ಅಥವಾ ಖಾಸಗಿ ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜು ಹದಿನೈದು ವರ್ಷಗಳ ಅವಧಿಯನ್ನು ಪೂರೈಸಿದ್ದಲ್ಲಿ ಹಾಗೂ ನಿಗದಿತ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳನ್ನು ಹಾಗೂ ವಿಧಿಸಿರುವ ಎಲ್ಲಾ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸಿದ್ದಲ್ಲಿ, ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಶಾಶ್ವತ ಮಾನ್ಯತೆ ನೀಡತಕ್ಕದ್ದು.”

3. The petitioners further aver that ever since then, they have been running institutions and the students, who have studied in their Schools, are appearing for examination without any objection from the respondents. Most importantly, the petitioners Schools are having examination centers for S.S.L.C examination in their

Schools itself. They further aver that by another Circular No.C7(2)PRASHIA:KA.SHA.MA.NA:46:2021-22 dated 22-3-2022 (Annexure-F), the earlier Circular dated 2-11-2006 (Annexure-H) has been withdrawn. It is specifically informed in Circular dated 22-3-2022 that they have to mandatorily apply for renewal of their recognition. They state that on account of Circular dated 22-3-2022, the students who have studied Standard X in their Schools had to attend examination in other centers. They also fear that their students who have attended recent S.S.L.C examination would be issued S.S.L.C Certificates without disclosing in the same that they have studied in the petitioners' Schools and that would result in loss of reputation to them. Even though, several reliefs have been sought in the writ petition, learned counsel for the petitioners now submits that the petitioners will be satisfied if a direction is issued to the respondents to show in the marks card of the students that they have studied in respective petitioners' Schools.

4. Learned Additional Government Advocate submits that he has filed a detailed statement of objections and it is the case of the respondents that even though in earlier Circular dated 2-11-2006 (Annexure-H), it is stated that the petitioners and others Schools were granted permanent recognition, such grant of permanent recognition has not been contemplated in the relevant laws. It is submitted that on account of the same, Circular dated 2-11-2006 was withdrawn by the latest Circular dated 22-3-2022 (Annexure-F) and therefore, the petitioners are not entitled to any relief. He further submits that the petitioners should apply for a fresh recognition after satisfying the respondents that they have complied with the requirements including fire safety norms as well as satisfying the requirements under the national building code as directed by the Hon'ble Supreme Court in **AVINASH MEHROTRA v. UNION OF INDIA AND OTHERS** reported in **(2009) 6 SCC 398**.

5. A perusal of the various Circulars produced herein makes it abundantly clear that the petitioners and similarly situated Schools were granted permanent recognition by the respondents. The petitioners and similarly situated Schools had all continued on the said assurance of the respondents and admitted students to the Schools and the students have taken up S.S.L.C. examination in their Schools. Even for academic year 2021-2022, the students in the petitioners Schools had all attended classes on the assurance that the petitioners Schools had recognition for the academic year 2021-2022. It was only when the petitioners were communicated with Circular dated 22-3-2022 (Annexure-F), they came to know that earlier Circular dated 2-11-2006 (Annexure-H) under which permanent recognition was granted to them has been withdrawn and they were required to apply for fresh recognition by satisfying all the requirements. Further, pursuant to the latest Circular, the students of

the petitioners Schools were compelled to attend S.S.L.C. examination in external centers. In other words, the students of the petitioners Schools were not permitted to attend examination in the petitioners Schools. Taking into consideration the facts noticed above, namely that for the entire academic year 2021-2022, the classes were conducted in the petitioners' Schools on the assurance that the petitioners had recognition for running the Schools for the current academic year and in such circumstances, it is arbitrary for the respondents to deny the credit to the petitioners Schools in the sense that the students, who have passed S.S.L.C examination should have S.S.L.C. Certificates without the name of their respective Schools on it. With regard to rest of the petitioners' prayers, it goes without saying that they have to apply afresh after fulfilling other requirements as required under the Karnataka Education Act, 1983, and also as per the Government notifications applicable to

grant of recognition including the directions of the Hon'ble Supreme Court in **AVINASH MEHROTRA** supra.

Accordingly, the writ petition is **disposed of** with a direction to the respondents to show the names of the petitioners Schools in S.S.L.C. marks card of the students, who have attended the petitioners Schools and also in the relevant result sheets.

**Sd/-
JUDGE**

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