



GOVERNMENT OF KERALA
Abstract

General Education- Interim Order in WA No. 2497/2007 and connected Appeals -
Implemented-orders issued.

GENERAL EDUCATION (N) DEPARTMENT

G.O.(Rt)No.5222/07/G.Edn

Dated, Thiruvananthapuram, 15-11-2007.

- Read:-1. G.O(Rt) No 3691/06/G.Edn dated 19/8/2006
2. G.O(P) No 107/07/G.Edn dated 13/6/07
3. Common Judgment dated 14/9/07 in WP© No 8120/07 and
connected cases of the Honourable High Court
4. Interim Order dated 29.10.07 in WA No: 2497/2007 and connected
Appeals of the Division Bench of the Honourable High Court.
5. Letter no NS2-42725/07/D P I dated 09/11/07 of the Director of Public
Instructions, Thiruvananthapuram

ORDER

As a policy, Government, as early in 8/2006 have decided not to give NOC to start CBSE/ICSE schools in the State considering the enormous number of such schools functioning in the State until a comprehensive guidelines is evolved and have constituted a committee of experts to lay down the principles and guidelines to be followed for issuance of NOC for CBSE/ICSE affiliation as per the GO read as 1st paper above. It was decided that cases of new schools, NOC etc. need not be taken up till the guidelines were brought into force.

2. The High Level Committee submitted its report to the Government. After considering the report and all other relevant materials, Government issued the guidelines for issuance of NOC for affiliation to the CBSE/ICSE as per the GO read as 2nd paper above. It was decided to limit issuance of NOC for starting CBSE/ICSE schools to certain areas of Malappuram, Kozhikode, Kannur, Kasaragod and Wayanad Districts having regard to the educational backwardness of the Muslim Community in those districts.

3. Many school authorities have filed Writ Petitions before the Hon'ble High Court praying to issue NOC to their school. The Hon'ble High Court in their Judgment in WP© No 8120/07 and connected cases read as 3rd paper above have quashed the guidelines issued in GO(P) 107/07/G.Edn dated 13/6/07 to the extent it relates to grant of NOC for affiliation to the CBSE and allowed the Writ Petitions. Operative part of the judgment is extracted below:-

" The respondents are directed to pass appropriate orders on the applications submitted by the petitioner for grant of NOC for affiliation to the CBSE/ICSE in accordance with their respective merit and also in the light of the survey reports and other documents produced along with those applications in terms of the clauses contained in the order of the Government dated January 12, 1988. The Government

shall take a decision in the matter as expeditiously as possible at any rate within month from the date of receipt of a copy of this judgment.

CBSE shall enlarge the date for receipt of NOC from the Government till October 31, 2007. I am constrained to issue this direction to the CBSE in the peculiar facts and circumstances of the cases, though learned standing counsel has made a persuasive plea to keep in view the technical difficulties that the Board may face by such enlargement.

The petitioners shall be at liberty to re-present the applications which have returned by the Government within one week from the date of receipt of copy of this judgment, in which event the Government shall comply with the above directions and pass orders within the time frame mentioned above".

4. Against the above judgment, the Government have filed Writ Appeals and in their Interim Order dated 29/10/2007 in WA No.2497/07 and connected Appeals, the Division Bench of the Hon'ble High Court has directed to consider the applications filed by the respondent-schools within 15 days from the date of order.

5. In order to examine the applications in detail, the applications re-submitted by the following schools have been forwarded to the Director of Public Instructions, Thiruvananthapuram for furnishing a comprehensive report in terms of G.O.(Ms) No.18/88/G.Edn dated 12/01/1988 and also based on the conditions prescribed for affiliation by CBSE/ICSE in their Bye-Law.

- 1 Bharath Public School, Kannamba, Varkala (WP(C) No.19878/2007)
- 2 MGM Central Public School, Kuzhivila, Thiruvananthapuram-(WP(C) No. 20529/2007)
- 3 AET English Medium School, Pattambi, Palakkad-(WP(C) No. 7611/2007)
- 4 Nirmala Public School Karimannoor, Thodupuzha-(WP(C) No. 8120/2007)
- 5 Dr.N.International School, N.Paravoor, Ernakulam-(WP(C) No. 4016/2007)
- 6 Nivedita Vidyalayam, Punnad, Iritty, Kannur - (WP(C) No. 20310/2007)
- 7 Adiyodi Vakeel Smaraka Tagore Vidya Peetam, Thalassery (WP(C) No.20322/07)
- 8 Global Public School, Thiruvanniyoor, Ernakulam-(WP(C) No. 15558/2007)
- 9 Chelakkara Central School, Chelakkara, Thrissur-(WP(C) No. 16843/2007)
- 10 Don Bosco Public School, Bosco Nagar, Angamaly-(WP(C) No. 16644/2007)
- 11 Floweret English Medium School, Ulikkal, Kannur-(WP(C) No. 7986/2007)
- 12 Sree Narayana Public School, Asan Hills, Channaikkadu, Kottayam- (WP(C) No. 19270/07)

- 13 Queen Mary Public School, Panikkankudy, Idukki - (WP(C) No. 19723/07)
- 14 Madvur Central School, Puliyoorkonam, Thiruvananthapuram-(WP(C) No. 16844/2007)
- 15 Shihab English Medium School, Adka, Mangalpady, Kasaragod- (WP(C) No. 5191/2007)
- ✓ 16 Swami Vivekanda Public School, Piravom-(WP(C) No. 22669/07)
- 17 JDT Islam Orphanage Committee, Vellimadukunnu, Kozhikode-(WP(C) No. 22381/2007)
- 18 Bharathiya Vidya Bhavan, Kochi Kendra, T D Road, Ernakulam- (WP(C) No. 4149/2007)
- 19 Grace Vally Public School, Maravattom P O, Malappuram-(WP(C) No. 18846/07)
- 20 Rock Ford Hill Public School, Kuthiavattom P O, Kozhikode-(WP(C) No. 16835/2007)
- 21 Sree Sai Vidyapeedom, Anthicadu, Thrissur-(WP(C) No. 13652/2007)
- 22 St.Antony's Public School, Kizhakkambalam, Ernakulam-(WP(C) No. 1486/07)
- 23 Bharathiya Vidya Bhavan, Triprayar Kendra, Thrissur-(WP(C) No. 15813/2007)
- 24 Kuthubiya English Medium School, Puthur, Panoor, Thalassery-(WP(C) No.18735/2007)
- 25 St.Anne's English Medium School, Vellamunda, Wayanad-(WP(C) No.20328/07)
- 26 SKM Public School, Kumarakom, Kottayam-(WP(C) No. 22665/2007)

6. The petitioner in WP(C) No. 7140/07 included in the common Judgment dated 14/09/07 in WP(C) No. 8120/07 have not submitted any application to the Government for NOC for affiliation to CBSE/ICSE.

7. The applications have been examined in detail on the basis of the report of the Director of Public Instructions, Thiruvananthapuram. All the applicant schools have not obtained recognition from the state Government to run middle class. Further they have also not obtained permission from the CBSE/ICSE to run middle class as envisaged in the guidelines issued by the State Government in GO(Ms) 18/88/G.Edn dated 12.01.88. Further the applicant schools at Serial Number 6,9,13,16,19,20,23 and 24 are not paying salary and perks to the employees in tune with the existing norms of the

Government . Hence, it is clear that the applicant schools could not satisfy the conditions stipulated in the Guidelines issued in GO(Ms) 18/88/G.Edn dated 12.01.88 for NOC.

8. For the reasons stated above, the application of the applicant schools for NOC for affiliation of their school to the CBSE/ICSE cannot be entertained to and therefore rejected in compliance with the Common Judgment in WP(C) No. 8120/07 and connected cases and interim Order of the Division Bench of the High Court in WA No. 2497/2007 and connected Appeals.

(By Order of the Governor)

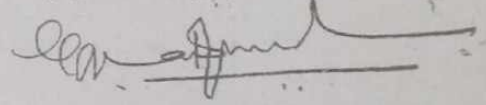
JAMES VARGHESE
SECRETARY TO GOVERNMENT.

To

The Advocate General, Ernakulam (with C.L)
The Director of Public Instructions, Thiruvananthapuram
All Deputy Directors of Education, through Director of Public Instructions
All District Educational Officers, through Director of Public Instructions
The Manager, Bharath Public School, Kannamba, Varkala
The Manager, MGM Central Public School, Kuzhivila, Thiruvana
The Manager, AET English Medium School, Pattambi, Palakkad
The Manager, Nirmala Public School Karimannoor, Thodupuzha
The Manager, Dr.N.International School, N.Paravoor, Ernakulam
The Secretary, Nivedita Vidyalayam, Punnad, Iritty, Kannur
The Secretary, Adiyodi Vakeel Smaraka Tagore Vidya Peetam, Thalassery
The Principal, Global Public School, Thiruvanniyoor, Ernakulam
The Chairman, Chelakkara Central School, Thonoorkara, Chelakkara, Thrissur
The Manager, Don Bosco Public School, Bosco Nagar, Angamaly, Ernakulam
The Manager, Floweret English Medium School, Ulikkal, Kannur
The Manager, Sree Narayana Public School, Asan Hills, Channaikkadu, Kottayam
The Manager, Queen Mary Public School, Panikkankudy, Idukki
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The Manager, Shihab English Medium School, Adka, Mangalpady, Kasaragod
The Chairman, Swarni Vivekanda Public School, Piravom, Ernakulam
The Secretary, JDT Islam Orphanage Committee, Vellimadukunnu, Kozhikode
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The Manager, Kuthubiya English Medium School, Puthur, Panoor, Thalassery
The Manager, St. Anne's English Medium School, Vellamunda, Wayanad
The Manager, SKM Public School, Kumarakom, Kottayam

Sri, Mari Subramanian, Trustee, Geevarghese Yohannancharitale Trust,
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 The Chairman, Kundoorkonam Educational and Cultural Trust, Mankonam,
 Madavoor, Thiruvananthapuram
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Section Officer