

CBSE REPLY

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.W.P. No. 6446 of 2012

Gurbir Singh Sekhon and others

...PETITIONERS

VISHAL AGGARWAL

VERSUS

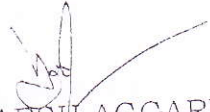
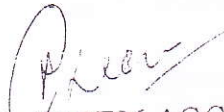
C.B.S.E. and others

...RESPONDENTS

I N D E X

S. No.	Particulars	Dated	Pages
1.	Written Statement on behalf of Respondent No.1	21.08.2012	1 - 6
2.	Power of Attorney- (Standing Counsel CBSE)	-	-

Place: Chandigarh
Dated: 21.08.2012



(HARSH AGGARWAL & ASEEM AGGARWAL)
ADVOCATES
COUNSELS FOR THE RESPONDENT NO.1

57

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...RESPONDENTS

Written Statement on behalf of

Respondent No.1

.....

RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS:

1. That the petitioners are craving for the improvement of the Government schools to make them equivalent in performance viz-a-viz highly reputed private schools. The Government schools are managed by the State Government of Union Territory in Chandigarh. The regular inspections are made by the Director of Public Instructions, Chandigarh. It is the responsibility of the respondents no.2 and 3 to upkeep the Government schools in State of UT. In State of UT, there is no independent Education Board of the State, therefore, all the Government schools are affiliated with CBSE by default. In other states like Punjab and Haryana, ^{most of} the Government schools are affiliated with the State Boards. Only the private schools, ^{central schools, Navo day school etc} of other states like Punjab and Haryana get affiliation from CBSE after obtaining No Objection Certificate from the State Government.

ON MERITS

1. It is admitted to the extent that the petitioners are the citizen of India but it is denied that they have any right to invoke the extraordinary jurisdiction of this court.

2. The contents of this paragraph are superfluous. The choice of parents to admit their siblings in Government school or private school is subjective.

3. The contents of this paragraph are wrong and denied. The present public interest litigation is misuse of the process of law.

4. That the contents of this paragraph are wrong and denied as such. The choice of the parents to admit their siblings is subjective. However, it is stated that the academic certificates given by the examining body carries the same weight whether the child has taken academic course from the Government school or private school.

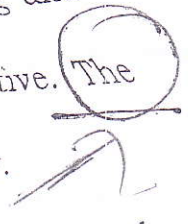
5. That the contents of this paragraph as stated are wrong and denied. However, a private school cannot admit the student beyond their infrastructure and teaching faculty.

6. That with regard to this paragraph, it is stated that Right to Education Act is a Benevolent Act enacted by the Parliament of the country, keeping the needs of educating every child ^{especially} ~~may be~~ from the economical weaker section. The petitioner should not make any grouse for admitting 25% children belonging to economically weaker section.

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7. That the contents of this paragraph are wrong and denied as such. The choice of the parents is subjective. The

Government schools are providing education economically.



8. That the contents of this paragraph are wrong and denied. The contents of this paragraph are hypothetical.

9. That with regard to this paragraph, the reservation of 25% seats in private schools for economically weaker section and unprivileged students is statutory.

10. That the contents of this paragraph are wrong and denied.

11. That the contents of this para relates to State of Union Territory to look into the situation.

12. That the contents of this paragraph relates to respondents No.2 and 3.

13. That the contents of this para are matter of record

14. That the contents of this paragraph are matter of record.

15. That the contents of this para are mater of record.

16. That the contents of this paragraph are matter of record.

17. That the contents of this paragraph are wrong and denied. It is denied that the annual result is the best proof for showing the minimum standards of education required to be fulfilled by the school.

18. That the contents of this paragraph relates to respondents no.2 and 3.



19. That the contents of this paragraph relates to respondents no.2 and 3.

20. That the contents of this paragraph relates to respondents no.2 and 3.

21. That the contents of this paragraph relates to respondents No.2 and 3.

22. That the contents of this paragraph relates to respondents No.2 and 3.

23. That the contents of this paragraph relates to respondents No.2 and 3.

24. That the contents of this paragraph relates to respondents No.2 and 3.

25. That the contents of this paragraph relates to respondents No.2 and 3.

26. That the contents of this paragraph are wrong and denied. However, it relates to respondents no.2 and 3. The Controlling Authority of the Government school is DPI. The regular inspection of the schools is made by DPI Chandigarh of the Government schools which are controlled by the State of Union Territory.

27. That the contents of this paragraph are wrong and denied. The Board does not provide academic education. It is the sole responsibility of the affiliated school to provide the education to the students. The Board is the examining body and conducts the examinations of class 10th and 12th as per the examination by-laws and the curriculum prescribed for 10th and 12th standard.

Therefore, there is no need for the Educationist. However, there are Education Officers employed on the permanent basis. The names of which have already been given in Annexure P/9 which is the reply to RTI application. There is a Director (Academics) and the staff which review the academic standards every year viz. a viz. needs and keeping in view the educational standards required in the modern times, in consultation with NCERT.

28. That the contents of this paragraph are wrong and denied. The reply as given in para No.27 reproduced as above, be read as a part of the reply to this paragraph as such.

29. That the contents of this paragraph are wrong and denied. The writ petition filed by the petitioner is superfluous and not based on any convincing grounds. Hence, the writ petition deserves to be dismissed.

30. That the contents of this paragraph are relates to respondents no.2 and 3.

31. That the contents of this paragraph are pertains to respondents No.2 and 3.

32. That the content of this paragraph is illustrative and relates to respondents No.2 and 3.

33. That the contents of this paragraph are relates to respondents No.2 and 3.

34. That the contents of this paragraph are relates to respondents No.2 and 3. It is for the respondents no.2 and 3 to consider the suggestions made by the petitioners in the present writ petition.



35. That the contents of this paragraph are wrong and denied.

36. That the contents of this paragraph are wrong and denied. No law points are involved in the present writ petition. Hence, the writ petition is liable to be dismissed.

37. That the contents of this paragraph are legal.

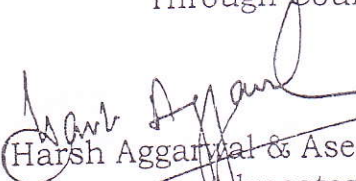
38. That the contents of this paragraph are matter of record.


It is, therefore, respectfully prayed that the writ present petition may kindly be dismissed with costs.

CHANDIGARH

DATED: 21.08.2012

Through Counsel


Harsh Aggarwal & Aseem Aggarwal
Advocates



RESPONDENT No.1
Regional Office
Central Board of Sec. Edu
Sector 5, Panchkula

VERIFICATION:

Verified that the contents of Para No.1 of the Preliminary Objections and paras No.1 to 38 of Reply on Merits are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

CHANDIGARH

DATED: 21.08.2012


RESPONDENT No.1
Regional Office
Central Board of Sec. Edu
Sector 5, Panchkula