



GOVERNMENT OF KERALA

Abstract

General Education Department - No Objection Certificate for CBSE Affiliation to - Judgment dated 08.11.2012 in WP(C) No.26433/12, dated 10.07.2012 in WP(C) No.16027/12 and dated 09.10.2012 in WP(C) No.23508/12 - Complied with - Orders issued.

GENERAL EDUCATION (N) DEPARTMENT

G.O.(MS)No.128/2013/G.Edn.

Thiruvananthapuram, Dated 10.04.2013

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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. G.O.(MS)No.384/12/G.Edn. dated 07.12.2012.
 5. Judgment dated 08.11.2012 in WP(C) No.26433/12 filed by the Manager, Carmel English Medium School, Ottappunna, K.R.Puram P.O, Cherthala, Alappuzha
 6. Judgment dated 10.07.2012 in WP(C) No.16027/12 filed by the Manager, Nava Jyothi English Medium School, Moonilavu P.O, Kottayam Dt,
 7. Judgment dated 09.10.2012 in WP(C) No.23508/12 filed by the Manager, Global Indian Public School, Kodikulam P.O, Idukki District.
 8. Letter No:NS(2)/51233/12/DPI dated 23.11.2012 and NS(2)/10094/12/DPI dated 15.03.2013 and NS(2)/86748/12/DPI dated 06.03.2013 from the Director of Public Instruction, Thiruvananthapuram.

ORDER

Government have issued new guidelines for the issuance of NOC for CBSE/ICSE affiliation of Schools as per G.O. read as 3rd & 4th paper above. As per the reference read as 5th, 6th & 7th paper above, the Hon'ble High Court of Kerala has directed the Government to consider the applications of Carmel English Medium School, Ottappunna, K.R.Puram P.O, Cherthala, Alappuzha Dt, Nava Jyothi English Medium School, Moonilavu P.O, Kottayam Dt, and Global Indian Public School, Kodikulam P.O, Idukki District for grant of NOC without insisiting on compliance with Clauses (iv) and (xiv) of the Guidelines and to pass appropriate orders within 6 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 above schools were 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 applications of the said schools are defective due to the following reasons:

Carmel English Medium School, Ottappunna, K.R.Puram P.O, Cherthala, Alappuzha Dt.,

1. Location Certificate only for 44.5.Acre submitted
2. GPS Map produced for only 2.72 Acre only
3. Total Area of land is 119.38 Acre only as per DEO's Report.

Nava Jyothi English Medium School, Moonilavu P.O, Kottayam Dt.

1. Possession Certificate, Location Certificate, Building fitness certificate, Health Certificate, Agreement of Inspection, Agreement regarding clause x of the G.O, Declaration regarding no unrecognized classes/branches shall be run within the premises of the school outside and Certificate from local body are not submitted in original.
2. Lease deed only for 19 years. 30 years required.
3. EPF Certificate not produced only a declaration in stamp paper produced.
4. List of UID & copy of Photo ID countersigned by DEO not submitted
5. Pupil Teacher ratio not maintained
6. In DEO's report Students strength is only 210.

Global Indian Public School, Kodikulam P.O, Idukki District

1. In GPS map the school position not mentioned
2. Latest building fitness certificate required
3. Audit report of CA for the year 2009-10 required
4. List of Photo ID details not submitted, Photo ID of 108 students submitted. As per DEO's visit report there are 335 students from Std.I to VII.
5. Certificate from Local body about the existence of school produced. DEO reported that school has no existence for more than 5 years.
6. In the DEO's survey report in the school site 1.51 acre area. Hence clarification whether 2 acre land is available in actual site

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 Managers above mentioned schools have filed Contempt of Court Case against the Secretary to Government, General Education Department alleging non compliance of the judgment referred as above.

Government have examined the matter in detail and are pleased to issue NOC for CBSE affiliation in respect of the following schools

- (I) Carmel English Medium School, Ottappunna, K.R.Puram P.O, Cherthala, Alappuzha Dt.,
- (II) Nava Jyothi English Medium School, Moonilavu P.O, Kottayam Dt,
- (III) Global Indian Public School, Kodikulam P.O, Idukki District, subject to the outcome of the SLP to be filed by the Government against the judgment dated 14.09.2012 in WA

No.1042/12 and execution of agreement with Government in the prescribed format and also subject to the rectification of the defects notified.

The Interim Orders read above is thus complied with.

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

To

The Manager, Carmel English Medium School, Ottappunna, K.R.Puram P.O, Cherthala,
Alappuzha Dt.- 688556

✓ The Manager, Nava Jyothi English Medium School, Moonilavu P.O, Kottayam Dt.- 686586

The Manager, Global Indian Public School, Kodikulam P.O, Idukki Dt.-685 562

The Director of Public Instruction, Thiruvananthapuram,

The Deputy Director of Education, Alapuzha/Kottayam/Idukki (through the DPI, Tvpm.)

The District Educational Officer, Alapuzha/Kottayam/Idukki (through the DPI, Tvpm)

The Advocate General, Ernakulam.(with covering letter)

The Secretary, CBSE, New Delhi (with covering letter)

Stock File/Office Copy.

Forwarded/By Order



Section Officer.