IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 11th OF SEPTEMBER, 2026

WRIT PETITION No. 36317 of 2026

SHRI GURU SAHAB CARRIER SCHOOL NAYEGAON

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Yogesh Lokhande - Advocate for the petitioner.

Shri Gajendra Parashar - Panel Lawyer for the respondents/State.

ORDER

The present petition has been filed seeking the following reliefs :-

> "I. Issue a writ in the nature of certiorari to quash the impugned rejection dated 29.05.2026 (Annexure P/9) and further be pleased to direct the respondent Board to accept the affiliation fee and registration paper of the students, in the interest of justice.
>
> II. Any other relief as deemed fit and proper in the circumstances of the case, along with the cost of this writ petition be also awarded."

2. It is the case of the petitioner that the petitioner's school is run by the Society namely Bans Pai Shiksha Avam Swasthya Samiti District Betul registered under the Madhya Pradesh Society Registration Act, 1973 on 08.10.2007. From the date of registration the petitioner is running the school and it has deposited all the requisite fee and affiliation fee due in Session 2007-2008. The affiliation of the petitioner's school is carried out from session 2007-2008 to 2025-26 in this session the students appeared in the Board examination. The petitioner submitted online application for renewal of recognition for session 2026-27 before the respondent No.3 on 15.12.2025

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but the respondent No.3 rejected the recognition application of the petitioner's school on ground that the online application submitted by the petitioner's school has been examined by the Committee constituted in this office, in which the case of renewal of recognition of petitioner's school has been rejected due to non-fulfillment of the criteria by the petitioner's school. Thereafter, the petitioner's school submitted the requisite information for renewal of recognition before the respondent No.3. Against the said rejection order, the petitioner's school filed First Appeal before the respondent No.3 on 06.03.2026 which was also rejected vide order dated 12.03.2026. Against the rejection of the first appeal, the petitioner has filed second appeal before the respondent No.3 on 07.05.2026 which was also rejected vide impugned order dated 29.05.2026. It is the argued that by virtue of the impugned order the career of the students who have already taken admission in the school will get effected because their registration form for the examination was not accepted by the Board. It is submitted that in similar circumstances, this Court vide order dated 23.09.2022 passed in Writ Petition No.21557/2022 granted interim relief to the petitioner vide order dated 23.09.2022. The petitioner has already deposited the affiliation fee till the session 2025-2026 and further the petitioner is ready to deposit the affiliation/recognition fee for the session 2026-27 and is ready to comply with the terms and conditions imposed by the respondent. On these grounds, he has prayed for quashment of impugned rejection order dated 29.05.2026.

3. The documents on record reflects that application for renewal of recognition was filed on 07.11.2025 online. The same was considered by the

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duly constituted Committee and renewal application filed by the petitioner/school was rejected due to non-fulfilment of the requisite criteria. The petitioner has preferred an online appeal against the same and the appeal was also dismissed due to non-fulfilment of deficiencies pointed out to the petitioner/school. The second appeal was preferred which was also rejected vide impugned order 29.05.2026. It is argued that petitioner has cured all the deficiencies, however the said documents produced before the Committee was never taken note of. It is also submitted that the there are many students imparting education in the school and if the recognition is not granted by the authorities then the entire career of the students will be at stake.

4. A specific query was raised to the petitioner's counsel that once the renewal application filed by the petitioner was rejected as per his own contentions then, under what authority he has admitted the students in the school and once the so called order Annexure P-8 and P-9 passed on 12.03.2026 and 29.05.2026, why he kept quite for a considerable long time and has chosen to file this petition on 31.08.2026. There is no explanation tendered by the counsel for the petitioner to the aforesaid. Once there is no recognition to the institution then institution cannot admit the students. It is the fault on the part of the petitioner/institution admitting the students without getting any renewal of his recognition.

5. The State counsel has drawn attention of this Court to document Annexure P-8 and P-9 and has argued that the same is not the order of rejection of recognition to the petitioner. Annexure P-9 dated 29.05.2026 clearly reflects that it is a notice in second appeal filed by the petitioner

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requiring his appearance before the committee on 02.06.2026 at 11 AM along with all the relevant documents. There is no material placed on record by the petitioner to show that he appeared before the second appellate authority on 02.06.2026 along with all the relevant documents and explained the authorities that the deficiencies which were pointed was cured. There is neither any document placed on record pertaining to the same nor any averments made in the writ petition to the aforesaid affect. There is no order placed on record passed by the second appellate authority rejecting the appeal of the petitioner. In absence of any document or order passed by the authorities placed on record rejecting the second appeal filed by the petitioner, no relief can be extended to him. Even otherwise, it is fault on the part of the petitioner/institution to admit the students without getting renewal of recognition.

6. This Court has considered similar aspects regarding cancellation of recognition of the institution for non-fulfilment of deficiencies pointed out by the authorities and has passed a detailed order dated 03.12.2025 passed in the case of **Priti Bal Niketan Higher Secondary School Vs. The State of Madhya Pradesh and others** (Writ Petition No 29845/2025) taking note of the fact that the large number of students were suffering just because of fault on the part of the school authorities and the fact that the action taken by the authorities is during mid session, therefore, a lenient view was taken by this Court and one last opportunity was granted to the school authorities to cure all the deficiencies. The said order was applicable to all the institution in the State of Madhya Pradesh and several writ petitions were disposed off in the

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light of the said order, but despite the aforesaid, the petitioner/institution in the most negligent manner has continued to run the institution without having recognition. They have admitted the students showing that they are having recognition and played with their career. They were well aware of the fact that their recognition has not been renewed, therefore, they were not in a position to admit the students but despite the same, they admitted the students at large and even charged fees from them for which the petitioner/institution was not eligible. Even otherwise, as on date there is no order placed on record to show that the second appellate authority has rejected the claim of the petitioner. The said position has not been brought to the notice of the Coordinate Bench who has passed an order dated 07.09.2026 in the case of Gyanodaya English School Bhoura Vs. The State of Madhya Pradesh and others (Writ Petition No.35026/2026). The said order is not applicable to the facts and circumstances of the present case. The petitioner in the present case has failed to place on record the rejection order of the second appeal as well as to explain that why he has not approached the Court instantly after 29.05.2026 which as per the petitioner is a second appellate order passed by the authority rejecting its second appeal and has failed to explain that without having recognition of the institution how he has admitted the students at large. The petitioner institution is negligent in functioning despite being aware of all deficiencies and non-renewal of their recognition, they admitted the students, therefore, this Court is not inclined to allow the writ petition. The petitioner/institution is directed to refund the fees charged by them from the students within a period of 30 days from today.

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7. The petition *sans* merit and is accordingly **dismissed**.

8. Before parting with the case, this Court deems it appropriate to direct the respondent No.2/Commissioner, Directorate of Public Instructions, Bhopal and respondent No.3/Joint Director, Directorate of Public Instructions, Narmadapuram Division Narmadapuram to ensure that the career of the students imparting education in the petitioner/institution should not suffer. Immediate steps to be taken by them to ensure that the students are admitted in some other school and their examination forms are duly filled.

9. Let a copy of this order be communicated to the respondents No.2 and 3 for necessary compliance.

(VISHAL MISHRA)
JUDGE

AM

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