

Court No. - 40

Case :- WRIT - C No. - 18437 of 2023

Petitioner :- Manish Kumar Mishra

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Surendra Kumar Chaubey, Arvind Kumar Mishra

Counsel for Respondent :- C.S.C., Hridai Narain Pandey

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner; Shri Devesh Vikram, learned Addl. Chief Standing Counsel and Shri H.N. Pandey, learned counsel for respondent nos.5 to 7-Central Board of Secondary Education (CBSE).

2. Present writ petition has been preferred for a direction to respondents to ensure the strict compliance of U.P. Coaching Regulation Act, 2002 and C.B.S.E. Circular dated 6.8.2019 within stipulated period.

3. It is contended that the petitioner is a member of trust known as 'Janki Trust'. The aforesaid trust has been constituted for charitable work as well as for running academic institution and is running the school affiliated by CBSE. In pith and substance the grievance of the petitioner is that in the vicinity of his institution there are various institutions affiliated by CBSE and running coaching institutes in the premises of school / college buildings, which is contrary to the policy of CBSE as well as U.P. Coaching Regulation Act, 2002. In this regard, he has made several representations to the authorities concerned but no action has been taken in this regard. Learned counsel for the petitioner, in support of his submissions, has placed reliance on the judgment in XL-IIT, Allahabad & Ors. v. State of U.P. & Ors., (2003) 3 UPLBEC 2067. Reliance has also been placed on the judgment in Smt. Punam Singh v. State of U.P. & Ors., (2013) 1 UPLBEC 371.

4. On the matter being taken up on 29.5.2023, learned Addl. Chief Standing Counsel was asked to seek instructions in the matter. Today Shri Devesh Vikram, learned Addl. Chief Standing Counsel states that adequate information has been sent to authorities concerned but till date he has not received instructions in the matter.

5. Considering the facts and circumstances of the case, let response/counter be filed by the Secretary of the Department

concerned as well as the Secretary, CBSE, New Delhi also apprising the steps being taken across the State for controlling such menace. The said response/ counter be filed within ten days One week, thereafter, is accorded to file rejoinder affidavit.

6. Put up this matter as fresh on 14.8.2023.

Order Date :- 25.7.2023

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