



GOVERNMENT OF KERALA

Abstract

General Education Department - No Objection Certificate for CBSE Affiliation to Yamaniyya English Medium School, Pookkottumpadam, Anchamayil, Malappuram District, and M.M.S.K.V.English Medium School, Palachuvadu, Puliyoar, Chengannur, Alappuzha District - Judgment dated 22.05.2012 in WP(C) No.11634/2012 and 08.10.2012 in WP(C) No.21320/2012 - Complied with - Orders issued.

GENERAL EDUCATION (N) DEPARTMENT

G.O.(MS)No.55/2013/G.Edn.

Thiruvananthapuram, Dated 15.02.2013.

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 22.05.2012 in WP(C) No.11634/12 filed by the Manager, Yamaniyya English Medium School, Pookkottumpadam, Anchamayil, Malappuram District,

6. Judgment dated 08.10.2012 in WP(C) No.21320/2012 filed by the Manager, M.M.S.K.V.English Medium School, Palachuvadu, Puliyoar, Chengannur, Alappuzha District

7. Letter No: NS2/41451/12/DPI dated 28.06.2012 and NS(2)/71272/12/DPI dated 23.11.2012. 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 paper above, the Hon'ble High Court of Kerala has directed the Government to consider the applications of Yamaniyya English Medium School, Pookkottumpadam, Anchamayil, Malappuram District and M.M.S.K.V.English Medium School, Palachuvadu, Puliyoar, Chengannur, Alappuzha 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 was 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:


SECRETARY
YAMANIYYA
ENGLISH MEDIUM SCHOOL
5th mile, P.O. Pookkottumpadam

Principal
Yamaniyya English Medium School
Anchamile, P.O. Pookkottumpadam

Yamaniyya English Medium School, Pookkottumpadam, Anchamayil, Malappuram

1. Land document of 2 acre land only submitted. Landed property is in the name of Trust. Documents to prove that the landed property is solely set apart for running the school required.
2. Health & Sanitation Certificate in original required.
3. Details of equipments and photo ID of students not submitted.
4. As per G.O. minimum 10 qualified teachers required, but only 9 qualified teachers available.
5. In the Bank's certificate, there is no mention that the Management is financially sound.
6. Visit date not mentioned in DEO's Visit report.

M.M.S.K.V.English Medium School,Palachuvadu, Puliyoar, Chengannur, Alappuzha

1. Land documents to prove the details of ownership of land not produced.
2. As per Possession Certificate, 1 Hectre 34 are 93 Sq.m and as per GPS, only 2 acre 67.200Sq.m.
3. Not enrolled in EPF. A declaration submitted. It is reported that School has less than 21 Staff.
4. A statement of Accounts from SBT Puliyoar submitted. Certificate from Bank to prove the financial stability of the Management to run the school required.
5. Roll strength of the students from Std. I to VIII only 133.

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 of Yamaniyya English Medium School, Pookkottumpadam, Anchamayil, Malappuram District and M.M.S.K.V.English Medium School, Palachuvadu, Puliyoar, Chengannur, Alappuzha District, have filed Contempt of Court Case against the Secretary to Government, General Education Department alleging non compliance of the judgment referred as 5th & 6th paper above.

Government have examined the matter in detail and are pleased to issue NOC for CBSE affiliation in respect of **Yamaniyya English Medium School, Pookkottumpadam, Anchamayil, Malappuram District and M.M.S.K.V.English Medium School, Palachuvadu, Puliyoar, Chengannur, Alappuzha 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.

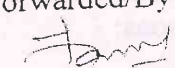
To

✓ The Manager, Yamaniyya English Medium School, Pookkottumpadam, Anchamayil,
Malappuram District

The Manager M.M.S.K.V.English Medium School, Palachuvadu, Puliyoar,
Chengannur, Alappuzha District

The Director of Public Instruction, Thiruvananthapuram,
The Deputy Director of Education, Malappuram/Alapuzha (through the DPI, Tvpm.)
The District Educational Officer, Wandoor/Mavelikara (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.

Yamaniyya English Medium School,
Pookkottumpadam,
Anchamayil,
Malappuram District

Yamaniyya English Medium School,
Pookkottumpadam,
Anchamayil,
Malappuram District