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HIGH COURT OF MADHYA PRADESH:JABALPUR
RP No.510/2018

(Principal/Manager Christ Jyoti Senior Secondary, Road Satna Vs.
Manisha Singh & others)

Dated: 15.11.2019

Shri Arjun Singh, learned counsel for the petitioner.

Shri Rakesh Singh, learned counsel for the respondent No.1.

Shri Gopal Jaiswal, learned counsel for the respondents No.2 and 3.

Heard.

This review petition has been filed by the petitioners in respect of the order dated 9.2.2018 passed in WP No.2952/2018 (Manisha Singh Vs. Central Board of Secondary Education & others), whereby this Court while disposing of the writ petition the respondent No.4/present petitioner has been directed to decide the petitioner's appeal in accordance with law within a period of four weeks.

Learned counsel for the review petitioners has submitted that the petitioner-school is unaided school, and even otherwise the appeal is not provided as per the bye-laws of the Central Board of Secondary Education and in fact it lies before the Education Secretary within 15 days from the date of cause of action.

On the other hand learned counsel for the respondents has submitted no case for interference is made out, as the petitioner-school is unaided school and this Court has power to issue the writ or

direction of appropriate nature, as the petitioner-school is discharging the public duty.

Having considered the rival submissions made by the learned counsel for the parties and on perusal of the bye-laws of the Central Board of Secondary Education this Court finds that as per the Clause 21(f) of the bye-laws an appeal lies before the Education Secretary within 15 days and if an employee is not satisfied with the order/decision or action of Education Secretary, then he can approach the President within 30 days. In view of the same an apparent error appears on the face of the record, as this Court in WP No.2952/2018 vide order dated 9.2.2018 directed the respondent No.4 to decide the petitioner's appeal instead of directing the petitioner to prefer an appeal before the appropriate authority. In view of the same the order dated 9.2.2018 passed in WP No.2952/2018 is hereby modified and now it is directed that the petitioners shall prefer an appeal before the competent authority/Education Secretary as per Clause 21(f) of the bye-laws within a period of 15 days from the date of receipt of certified copy of this order and if such an appeal is preferred by the petitioners, the same shall be decided by the Education Secretary in accordance with law without raising any objection as to the limitation. The aforesaid exercise shall be completed within a period of two months from the date of its filing.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

Ansari