

CASE NO.:
Appeal (civil) 1329 of 2008

PETITIONER:
Imaan Muslim Education Minority Trust & Anr.

RESPONDENT:
State of Gujarat and Anr.

DATE OF JUDGMENT: 15/02/2008

BENCH:
B.N. AGRAWAL & G.S. SINGHVI

JUDGMENT:
JUDGMENT

O R D E R
(Arising out of S.L.P. (C) No.10398 of 2007)

Leave granted.

Heard learned counsel for the parties.

It appears that, by order dated 20th October, 2003, Secretary, Gujarat Secondary and Higher Secondary Education Board granted permission to the appellant-Institution for registration of secondary school for Class VIII, subject to fulfillment of certain conditions. The said permission granted has been cancelled by order dated 5th March, 2005, passed by the said authority on the ground that, within the time given the conditions were not fulfilled. The said order has been confirmed in appeal and by the learned Single Judge of the High Court in Writ Petition as well as by the Division Bench. Hence, this appeal by special leave.

Undisputedly, the conditions were fulfilled prior to the date of passing of the order of cancellation. This being the position, in our view, the authority was not justified in cancelling the permission granted.

Accordingly, the civil appeal is allowed, order dated 5th March, 2005, passed by the Secretary, Gujarat Secondary and Higher Secondary Education Board, Gandhinagar and all consequential orders are hereby set aside.