

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12449 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 12460 of 2025**

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SEVENTH DAY ADVENTIST HIGHER SECONDARY SCHOOL THROUGH ITS
ACTING PRINCIPAL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PRAKASH JANI SENIOR ADVOCATE WITH MR ABHISHEK S.
SADHWANI(17710) AND MR AAYUSH BHANDARI (14378) for the Petitioner(s)
No. 1

MS. RITIKA(14645) for the Petitioner(s) No. 1
MR GURUSHARANSINGH H VIRK ASSISTED BY MS DHARITRI PANCHOLI
ASSISTANT GOVERNMENT PLEADER AND MR VISHESH PUJARA
ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 09/09/2025**ORAL ORDER**

1. Heard learned Senior Advocate Mr. Prakash Jani with learned Advocate Mr. Abhishek Sadhwani and learned Advocate Mr. Aayush Bhandari on behalf of the petitioner and learned Government Pleader Mr. Gurusharansingh Virk with learned Assistant Government Pleaders Ms. Dharitri Pancholi and learned Assistant Government Pleader Mr. Vishvesh Pujara on behalf of respondent State.

2. Both the petitions challenge actions by the District Education Officer, as well as the State, after an unfortunate incident which had happened in the petitioner school on 19.08.2025.

3. The first petition impugns show cause notices dated 23.08. 2025 and

communications dated 25.08.2025, 28.08.2025 and 29.08.2025 and whereas it requires to be mentioned that the first show cause notice is calling upon the petitioner school to inform as to why the NOC granted to the school by the State Government should not be cancelled. Communication dated 25.08.2025 naming four officers who would assist the students with regard to online conducting of classes and with regard to taking the school leaving certificate and refund of fees etc. The later two communications dated 28.08.2025 and 29.08.2025 calling upon the petitioner school to provide details regarding statutory compliance etc.

4. The second petition impugns action on part of the District Education Officer dated 01.09.2025, in deciding to inquire into the incident referred to hereinabove under the provisions of the Bombay Primary Education Act, 1947 and the Rules made thereunder, under the provisions of the RTE Act, 2009, the Gujarat RTE Rules, 2012, the School Safety Policy and the Indian School Certification Examination Affiliation Rules etc.

5. It needs to be recorded here that the impugned actions on part of the State Authorities, are related to the unfortunate incident referred to hereinabove namely where a student, of the school in question had been assaulted by another students of the very school using some sharp edged weapon which had unfortunately resulted in the demise of the victim. The State contending that the actions being taken by the State are on account of the alleged non co-operation on behalf of the school authorities at the relevant point of time and also to verify as to whether the school authorities were in any way negligent in letting the incident happened in the first place. On the other had the stand of the school being that the school authorities and the State were not negligent and whereas the incident was a law and

order issue, which had taken place outside the premises of the school.

6. Be that as it may, to this Court it would appear that in the wake of the unfortunate incident, to prevent any possible reoccurrence of such an incident, when the State is contemplating to take appropriate steps, it would also be required that the school authorities cooperate in any inquiry which is conducted by the authority, to the fullest extent. Learned Advocate appearing for the school under instructions would submit that the school authorities would fully co-operate with any inquiry which is initiated by the State Authorities in this regard.

7. While learned Advocate for the petitioner and learned Government Pleader on behalf of respondent- State have made various submissions, a broad consensus has been arrived at inasmuch as the first show cause notice dated 23.08.2025 is stated to be absorbed in the communication dated 01.09.2025 impugned in the second petition i.e Special Civil Application No. 12460 of 2025 i.e to state that as of now there is no steps including cancellation of NOC of the school and whereas appropriate decision shall be taken by the concerned authorities after the inquiry which is contemplated in communication dated 01.09.2025 is over.

8. Under such circumstances, to this Court it would appear that nothing further is required to be done except record the contentions by both the learned Advocates and fervently hope that the State comes out with appropriate remedial steps to ensure that such incidents do not happen in any school through out the State and this Court hopes that State take appropriate steps ensure that in case such unfortunate incident happens all concerned including the students and the school management would react in

a better manner so that outcome may be different.

9. Considering the submissions the following directions are passed:

[1] The School management to co-operate with the inquiry contemplated as per communication dated 01.09.2025 by the District Education Officer, Ahmedabad.

[2] As far as taking any punitive steps including but not limited to revoking the NOC of the school, the same if required would be contemplated after the inquiry is over and after giving adequate opportunity to the petitioner school.

[3] While the petitioner school will be under an obligation as per their own statement to co-operate with the inquiry, all legal contentions available to the petitioners insofar as any possible punitive steps being taken are kept open.

10. With the above directions, the petitions stand disposed of.

11. Considering the interaction that has taken place in the Court during course of hearing more particularly with regard to reopening of school, list these matters on 16.09.2025.

NIRU

(NIKHIL S. KARIEL,J)