

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 7079 of 2015 (O&M)

Date of decision : 21.10.2015

Amity International School

... Petitioner

VS

Kumari Varsha Dalal and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Deepak Saini, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the orders passed by the learned Courts below vide which the application filed by the respondents under Order XXXIX Rules 1 and 2 CPC, in a suit filed by them seeking mandatory injunction directing the petitioner to grant admissions in the school in the category of economically weaker section, was allowed.

The Trial Court vide order dated 23.9.2015, referring to the judgment of this Court in CWP No.4925 of 2014 - Haryana Progressive Schools Conference (Regd.) vs Union of India and others, decided on 1.4.2015, directed the petitioner-school to admit the students in the classes in which they had sought admission. The order passed by the trial court was upheld in appeal by the learned Lower Appellate Court.

The orders are sought to be challenged taking the ground that the Court did not have the jurisdiction in terms of Section 22 of the Haryana School Education Act, 1995. It is not in dispute that the petitioner-defendant had even not filed written statement while contesting the application for interim relief. It is further not disputed that no application seeking rejection of the plaint on the ground of non-maintainability of the suit has been filed. In case the interim relief as is sought by the respondents is not granted at this stage, the respondents will suffer irreparable loss, which cannot be compensated in terms of money at the crucial stage of their career. On the other hand, no prejudice as such is going to be caused to the petitioner as it

is bound by the mandate in law for providing admission to the students of economically weaker sections of the society. However, all kinds of hurdles are being created in the process of implementation of the policy meant for upliftment of the weaker sections of the society.

For the reasons mentioned above, I do not find any merit in the present petition. The same is accordingly dismissed.

21.10.2015
vs

(Rajesh Bindal)
Judge