

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

CWP No. 15995 of 2015
Date of decision :- 10.8.2015

Tannu Rawat and others ...Petitioners

vs.

State of Haryana and othersRespondents.

CORAM: - HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: - Mr. Sanjeev Majra, Advocate for
the petitioners

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G.S. SANDHAWALIA, J. (ORAL)

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Present petition under Article 227 of the Constitution of India has been filed for seeking a writ of mandamus directing the respondents to allow the petitioners to complete their studies from school of respondents No. 6 and 7 under Section 134-A of Haryana School Education Rules, 2003 and The Right of Children Free and Compulsory Education Act, 2009 by granting exemption of school fee, annual admission fee, monthly tuition charges and other charges etc. The prayer has also been made for refund of the charges deposited under protest.

The case of the three minor petitioners is that their father is undergoing life sentence and confined to District Jail, Faridabad in FIR No. 165 dated 12.7.2005 under Section 302, 323, 342, 34 of IPC. He belongs to *Jataw Caste* (Schedule Caste). As per the income certificate (Annexure P-1), the annual income of the mother is Rs. 76000/- which comes under Economically Weaker Section. The petitioners were admitted for the academic session 2014-2015 in the school of

Respondents No. 6 and 7 respectively and passed their exam in April 2015. The school in question had corresponded with District Education Officer, Faridabad on 8.9.2014 (Annexure P-3) for exemption of monthly fee of the petitioners for the session 2014-2015. Accordingly, the petitioners had been exempted for payment of fee. As per the said correspondence for the next academic session, application for exemption for fee was to be submitted in the month of March.

Counsel for the petitioners points out that application dated 10.3.2015 (Annexure P-4) was submitted to the Principal of the school along with a copy endorsed to Deputy Commissioner. Reference is also made to Annexure P-5 dated 29.12.2014 whereby a request has been made to D. C., Faridabad pass written orders for providing free education for the present session 2015-2016 to the petitioners. It is further pleaded that an amount of Rs. 6500/- was deposited with the school on account of the petitioners having not been allowed to attend their respective classes which were deposited in order to prevent their academic session going waste on account of respondents denying them permission to attend the classes.

Notice of motion.

Mr. Vikas Malik, learned DAG, Haryana present in Court accepts notice.

The Court does not need to call upon respondents No. 6 and 7 to file reply as in the main relief sought, the State has to take appropriate action.

Accordingly, a direction is issued that respondent No. 5 shall take appropriate action on the representation dated 29.12.2014 (Annexure P-5) and pass appropriate orders within a period of three weeks from the date of receipt of certified copy of this order. In case, the petitioners are found not entitled for any relief, appropriate orders will be passed and the respondents shall also decide the issue of refund of fee of Rs. 6500/- as well.

Copy of this order be supplied to the mother of the petitioners.

Copy of this order be given dasti under the signature of Special Secretary of this Court.

Disposed of.

(G.S.SANDHAWALIA)
JUDGE

10.8.2015
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