

CWP-18094-2015

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

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Date of Decision: 13.10.2015

Rajesh

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Surender Lamba, Advocate,
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the resolution dated 20.06.2015 (Annexure P-10) passed by respondent No.6 whereby in view of ensuing panchayat election, it has been decided not to change the name of Govt. Senior Secondary School, Berla in the name of Freedom Fright Sh. Sultan Singh despite the fact that after necessary approval, permission has been granted by the Deputy Commissioner, Bhiwani to change the name of Govt. Sr. Secondary School, Berla in the name of freedom fighter Sh. Sultan Singh, vide order dated 25.05.2015

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(Annexure P-7).

Brief facts of the case are to the effect that the Govt. of Haryana took a decision regarding naming of Government/Aided Educational Institutions after the Martyrs of Operation Vijay in Kargil in 1999 and in this regard, policy dated 10.01.2013 was issued. As per the said policy, if supreme sacrifice is made by the Jawans/officers of Defence Forces and Para Military Forces belonging to the State of Haryana during the 'Operation Vijay' Kargil in 1999, then name of Government/aided Educational Institutions in the cities/Towns/villages shall be named after such martyrs belonging to those cities/towns/villages. As per the petitioner, in the present case also, the Gram Panchayat passed resolution dated 25.03.2015 in respect of changing the name of Govt. Senior Secondary School in the name of freedom fighter Sh. Sultan Singh, who was a freedom fighter and had made a supreme sacrifice for the country. Vide letter dated 25.05.2015 (Annexure P-7), the Deputy Commissioner, Bhiwani has granted permission for changing the name of school and direction was issued to the District Education Officer, Bhiwani for the same. Hence, this writ petition.

In compliance of order dated 12.10.2015, Deputy Commissioner, Bhiwani and District Education Officer, Bhiwani are present in Court. Dr. Saket Kumar, IAS, Deputy Commissioner, Bhiwani has filed short reply on behalf of respondent Nos.1 to 6 in Court today

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along with Anneuxres in vernaculars which is taken on record. He states that vernaculars could not be translated due to paucity of time. In para no.2 of the reply, it is mentioned that on 19.06.2015, a large delegation of villagers met him (Deputy Commissioner) and submitted that there are two other freedom fighters and one Military Martyr in the village and they will agitate if the name of school is changed to Ch. Sultan Singh, Govt. Senior Secondary School. After the receipt of resolution dated 20.06.2015 and the report of the District Education Officer, Bhiwani, order dated 25.05.2015 was withdrawn vide letter dated 31.07.2015 (Annexure R-4).

I have heard learned counsel for the parties and perused the record.

Admittedly, other freedom fighters namely Sher Singh and Jai Lal also belong to same village. The number of defence personnel of the same village have laid down their lives for the country. If the name of school is changed in the name of Ch. Sultan Singh, there would have been riots in village and law and order situation may have gone out of control. The Gram Panchayat passed the resolution dated 20.06.2015 (Annexure P-10) and on the basis thereof, order dated 25.05.2015 was withdrawn vide letter dated 31.07.2015 (Annexure R-4) issued by the Deputy Commissioner, Bhiwani. Section 21 of the General Clauses Act, 1897 provides power to issue, to include power to add to, amend, vary or rescind notifications, orders, rules, or bye-laws and the same is *pari*

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materia to Section 19 of the Punjab General Clauses Act, 1989. The factum of issuance of letter by the Deputy Commissioner with regard to not to change the name of Govt. Senior Secondary School, Berla in the name of Freedom Fright Sh. Sultan Singh has been concealed by the petitioner from this Court. Otherwise also, to change or not to change the name of any institution is a policy matter and only competent authority can consider it keeping in view the ground realities. The Deputy Commissioner, being competent authority to order change of name of the school, is also competent to withdraw the same. It appears that for justified reasons as mentioned in foregoing paragraph, permission granted has been withdrawn.

In view of above, I do not find any ground for interference.

Dismissed.

13.10.2015

parveen kumar

(Paramjeet Singh)
Judge