

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

**CWP No. 21380 of 2014 (O&M)
Decided on : 20.08.2015**

Managing Committee Udey Singh Arya School Panchi Jatan

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Rajbir Sehrawat, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

G.S. Sandhawalia , J. (Oral)

CM-6694-CWP-2015

Application for placing on record Annexure R-1 is
allowed, subject to all just exceptions.

CM stands disposed of.

Main Case

The challenge in the present writ petition is to the order dated 24.07.2013 (Annexure P-9) passed by respondent No.2-Director Secondary Education Haryana, wherein the name of Arya Senior Secondary School Panchi Gujran shown at Serial No.67 is to be removed from the notification by an amendment. The reason given in the impugned order for this that there is no school of this name in village Panchi Gujran or village Panchi Jatan.

The said order is not sustainable on the short ground that it has been passed without hearing the petitioner which is the Managing Committee of Udey Singh Arya School, Panchi Jatan.

It is the case of the petitioner-school that they had applied for provisional recognition as senior secondary school on 30.09.2004 alongwith the requisite fee of ₹ 10,000/-. On 21.02.2009 the notification (Annexure P-4) was issued, wherein at Serial No. 59 Udey Singh Arya Modern High School, Panchi Jatan was shown and at Serial No.67 Arya Senior Secondary School, Panchi Gujran (Urban) was shown as senior secondary school. The deletion as noticed is from Serial No.67.

It is the case of the petitioner that on seeing the discrepancy in the said notification, since the petitioner-school was to be shown as Senior Secondary School at village Panchi Jatan, but had been shown as "High School", it had filed a application on 15.10.2010 (Annexure P-5) to the District Education Officer, Sonapat for necessary correction. The report had been sought for by the Director on 10.05.2011. The required certificates had been taken from the Sarpanches of the two villages which are adjoining each other. It had come on record that the school mentioned at Serial No.67 had not been established in the village Panchi Gujran.

As per the report of the Deputy District Education Officer, Sonapat dated 05.10.2012 (Annexure P-8), it has been mentioned that the petitioner-school is situated in village Panchi Jatan and not in the village Panchi Gujran.

The said impugned order, thereafter, was passed as noticed without giving the petitioner an opportunity of hearing that it had applied as senior secondary school and there was a mistake in the notification.

In such circumstances, the petitioner who claims that it had applied for provisional recognition as senior secondary school and was running the school would be adversely affected since it would only be recognized as a high school and not a senior secondary school.

In such circumstances, the order is not sustainable. The matter requires a fresh look by the competent authority. If any order is to be passed prejudicial to the petitioner-school, then it would be for the said authority to hear the petitioner before passing the order on the application dated 15.10.2010 (Annexure P-5), for correction.

Accordingly, the present writ petition is allowed and the impugned order dated 24.07.2013 (Annexure P-9) is quashed.

It is further clarified that the petitioner will be entitled for making admissions for the present session, since the impugned order itself does not survive.

The necessary exercise will be done within a period of 3 months from the receipt of the certified copy of this order.

AUGUST 20, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE