

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

CM No.16017 of 2015 in/&
CWP No.25344 of 2014
Decided No.10.12.2015

Sudeep Vij and others

... Petitioners

Vs.

State of Punjab and others

...Respondents

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

Present: Mr. Sardavinder Goyal, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

Mr. Aseem Sharma, Advocate for
Mr. K.S.Khehar, Advocate for respondents No.7, 8 & 10.

G.S.SANDHAWALIA, J.(Oral)

C.M. No.16017 of 2015

Application for placing on record the short affidavit of the petitioner in view of the order dated 12.11.2015 is allowed subject to all just exceptions.

CM stands disposed of.

CWP No.25344 of 2014

The petitioner seeks the relief of taking legal action against the Director of respondent No.7-school along with the members of the Management Committee for violating the provisions of the Right to Education Act, 2009 and Protection of Child Rights Act, 2005 and also seeks compensation to the tune of Rs.50,00,000/-.

From the affidavit filed today, it is clear that the petitioner's children are no longer studying in the school and after leaving the respondent No.7 -school were admitted in Rayat International School, Rail Majra, District SBS Nagar, Punjab on

08.08.2013. Thereafter, for the session 2014-15, they are studying in Shivalik Public School, Ropar.

In the reply filed by respondent No.9, it is averred that Punjab State Commission for Protection of Child Rights Act, 2005 – respondent No.4 had already been approached by the petitioner vide representation dated 06.09.2013 (Annexure R-9/1). A perusal of the said representation would go to show that the petitioner has already raised the issue before the said Commission prior to approaching this Court, which has been done only in December 2014. It is a admitted fact that the said factum of approaching the Commission has not been mentioned in the writ petition for the reasons best known to the petitioner. It was only on account of the reply being filed the said aspect has come to light.

Counsel for the petitioner now points out that in view of the pendency of the writ petition respondent No.4- Commission has closed further proceedings vide order dated 06.08.2015.

Keeping in view the fact that the petitioner's children are already studying in another school and the petitioner has already approached the Commission prior to approaching of this Court, it would not be appropriate for opening two separate forums for the same cause of action. In the absence of any averment that the Commission was already seized of the issue, this Court issued notice to the respondents since it was not brought to the notice of this Court that the matter was already being pursued by the petitioner before another forum. In such circumstances, it is always open for the petitioner to revive the application before the Commission, whom he had approached prior to the writ petition.

Accordingly, the writ petition is disposed of with the above
said liberty.

10.12.2015
sonia

(G.S.SANDHAWALIA)
JUDGE