

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

LPA No.48 of 2015

Date of decision : January 16, 2014

Harender Singh

..... Appellant

Versus

Union Territory, Chandigarh and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present : Mr. Jasbir Mor, Advocate for the appellant.

HEMANT GUPTA, J. (ORAL)

The present Letter Patent Appeal is directed against the order dated 23.12.2014 passed by a Single Bench of this Court in CWP No.26552 of 2014, whereby a condition in the admission form that school will only consider those applications where the parents of the children are residing within the tri-city i.e. Chandigarh, Mohali and Panchkula, was not interfered with.

The grievance of the appellant is that the appellant is residing within five kilometers of the school though not in the municipal limits of Chandigarh; therefore, the condition is arbitrary and unreasonable. The condition should be read so as to include the residents of Kansal, District Mohali as eligible for admission.

The learned Single Judge has dismissed the writ petition for the reason that it is not maintainable relying upon the judgment of Supreme Court in P.A. Inamdar Vs. State of Maharashtra (2005) 6 SCC

537, wherein it has been held that the respondent institute is not only a private institute, but also a minority institution.

The respondent School is neither a State nor its instrumentality under Article 12 of the Constitution of India, thus not amenable to the writ jurisdiction. Even otherwise, we find that the condition imposed cannot be said to be arbitrary and unreasonable, which may warrant any interference by this Court in exercise of its powers of judicial review. Mere fact that some other options are also available will not make the condition as unsustainable.

Dismissed.

(HEMANT GUPTA)
JUDGE

January 16, 2015
Manoj Bhutani

(HARI PAL VERMA)
JUDGE