

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

Date of decision: 16.08.2016

CWP No.8476 of 1998

M.K.Bhardwaj

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vivek Suri, Advocate, for the petitioner.

Ms. Shruti Jain Goel, AAG, Haryana.

Mr. C.B.Goel, Advocate, for respondents No.4 & 5.

RAJIV NARAIN RAINA, J. (ORAL)

Indisputably, the contesting respondent is a private institution, which receives no aid from the Government. It is a School run by a Society through its duly constituted Management. It is a self-financing institution.

Mr. C. B. Goel, learned counsel representing the School, has taken a preliminary objection that a writ is not maintainable against the private school. Merely because a notice was issued to the Apeejay School, Sector-15, Faridabad through its Principal informing the staff that the Management of the School had been kind enough to declare that its employees get dues as per Haryana Government Rules and their services will be governed by the same Rules & Regulations of the Government, which is at best a promise broken, would not lend legitimacy of power to this Court to issue a writ under Article 226 of the Constitution. Mere long

pendency of the petition will not justify interference on merits when remedy is not available for enforcement of the promise without any statutory obligation to discharge or be enforceable by mandamus. If the petitioner has any grievance, which he may well have, he may take recourse to the proper forum available in law for a decision on merits.

Consequently, the present writ petition is dismissed as not maintainable.

However, liberty is granted to the petitioner to avail his remedies, as are available in law, other than in original writ jurisdiction.

[RAJIV NARAIN RAINA]
JUDGE

16.08.2016
Vimal

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*