

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

CWP No. 10269 of 2016
Date of decision: 27.05.2016

S.S. Harbhagwan School Managing Committee,
Samana (Patiala) and another

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. K.S. Bassi, Advocate,
for the petitioners.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing communication i.e. letter dated 22.03.2016 (Annexure P-1) issued by respondent No. 1-Principal Secretary School Education Punjab, and letter dated 05.04.2016 (Annexure P-2) passed by respondent No. 4-District Education Officer (Secondary Education). Furthermore for issuance of a writ in the nature of mandamus directing respondents No. 1 to 14 not to interfere in the working of the petitioners, also directing respondents No. 5 and 6 to provide security to the ladies-staff of the school against forcible entry of respondents No. 7 to 14 along with local political workers, further directing respondents No. 1 to 4 for according approval to the petitioner-Managing Committee and further direction for taking over the petitioner school by the Government of Punjab.

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

Perusal of Annexure P-1 and P-2 reveals that they are only communications sent to the authorities, copies of which have been sent to the petitioners. Vide letter dated 22.03.2016 (Annexure P-1) it has been intimated that a meeting will be held in the office of Deputy Director (P.A.S.) on 29.03.2016 at 11.00 A.M. and direction has been issued to the petitioners to be present in the meeting. Identical letter dated 05.04.2016 (Annexure P-2) has been issued informing that the meeting has been fixed for 06.04.2016 at 10.30 A.M. at Government Model Senior Secondary School, Civil Lines, Patiala. There is no question of quashing such letters. These are mere communications sent to the petitioners to participate in the meeting.

Second prayer is with regard to issuing directions to respondents No. 1 to 14 and respondent No. 9 being brother of local MLA, not to interfere in the working of the school. Another prayer is for restraining respondents No. 7 to 14 from forcibly entering in the school premises. Both the reliefs can be obtained by way of suit for permanent injunction as question of disputed facts, as to whether they are forcibly or illegally entering in the school, are involved.

So far as prayer for issuance of mandamus to respondents No. 1 to 4 to accord approval to the petitioner Managing Committee is concerned, the same can only be decided by the competent authority. Earlier the petitioner filed ***CWP No. 17158 of 2010*** titled as ***S.S. Harbhagwan School, Managing Committee,***

Samana Vs. State of Punjab and others, which was disposed of on 22.09.2010 by this Court, observing as under.

“In my considered view, it is essentially in the interest of the students and the general public that the Competent Authority takes an appropriate decision on the issue of recognition of the Managing Committee so that the day to day affairs of the School are run smoothly. In these circumstances, however, without expressing any views on the merits of the petitioner's claim, I deem it appropriate to dispose of this writ petition with a direction to respondent Nos.2 & 3 to consider the above noticed claimed of the petitioner, especially as contained in the legal notice dated 29.7.2010 (Annexure P-9) and dispose of the same by passing a speaking order, preferably within a period of two months from the date of receiving a certified copy of this order.”

Learned counsel for the petitioner contends that no decision has been taken as yet in spite of directions issued to the authorities by this Court with regard to recognition of the Managing Committee. If that is so, the remedy does not lie by a way of a writ petition but by way of a contempt petition for non-compliance of the directions of this Court. So far as the taking over of the school by the Government of Punjab is concerned it is a matter of policy of the government. Such a direction cannot be issued to State Government in the exercise of power under writ jurisdiction. The petitioners can avail alternative remedies as available to them, in accordance with law.

In view of above, I do not find any justification to interfere in the present petition.

Dismissed. However, the petitioners will be at liberty to avail the alternative remedies available to them in accordance with law.

27.05.2016
PA

(Paramjeet Singh Dhaliwal)
Judge