

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

**CWP No.12925 of 2016
Decided on :23.12.2016**

Divya and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present : Dr. Surya Parkash, Advocate
for the petitioners.

Mr. Indresh Goel, Addl. AG, Haryana
for respondents No.1 to 3.

Mr. Karan Jund, Advocate
for respondents No.4 and 5.

G.S. Sandhawalia, J. (Oral)

The challenge in the present writ petition is to the order dated 23.06.2016 (Annexure P-1), whereby the decision has been taken by the respondent-school to close classes from 4th to 8th standard, on account of letter received from respondent No.3-District Education Officer dated 01.06.2016 (Annexure P-2).

Resultantly, the said letter dated 01.06.2016 has also been challenged, whereby the said respondent noticed that there was no permission with the respondent No.5-school to hold classes from 4th class onwards. Accordingly, school was directed not to hold classes from 4th class to 8th class.

From the stand of the respondent, it is apparent that the school was holding classes beyond Class-III without permission, which was against the rules. The permission which was given dated 22.08.2014 (Annexure R-1) provides that the management shall not make admission beyond Class-III.

This Court vide order dated 29.11.2016 noticed that it was the obligation of the State to provide free and compulsory education and it was directed that an affidavit be filed how the petitioners can be adjusted in case

respondents No.4 and 5 shut down the classes from 4th standard to 8th standard, on account of the action being taken.

A proposal was, accordingly, given by the Committee of Principal as per letter dated 19.12.2016 issued by the District Elementary Education Officer to adjust the children in the Government Schools of their respective villages where they were residing.

The said proposal is not acceptable as per the affidavit dated 21.12.2016 as such to the petitioners on account of the fact that they are studying in the English Medium School and the schools which are proposed are Hindi Medium Schools.

Keeping in view the above, no fault as such can be found with the action of the respondents in not allowing the classes beyond the permission granted. However, since the children are already studying, it would be appropriate, if the said action is not enforced till the end of present academic session, ending in March, 2017.

Resultantly, with the above observations, the present writ petition stands disposed off. The interim order passed will stand vacated from the next academic session.

DECEMBER 23, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No