

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21501 of 2016

Date of Decision: 18.10.2016

Ramesh Kumar and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Amardeep Sheoran, Advocate and
Ms. Janya Sirohi, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing respondents No.1 to 4 to close the Jain Primary School run by respondent No.5.

2. As per the averments made in the writ petition, respondents No.5 to 7 are running a school, namely, Jain Primary School, Gur Mandi, Ambala Cantt. owned and managed by respondent No.5. Originally, the school was established in the year 1963 but later on respondent No.5 was granted the land on subsidize rates in Rai Market, Ambala Cantt and the primary school was shifted to Rai Market. Now, respondent No.5 is running a Jain Girls Senior Secondary School, Rai Market, Ambala Cantt-respondent No.6. Respondent No.5 is running a middle school in Gur

Mandi, Ambala Cantt. under the premises of Jain Mandir without any recognition from the competent authority. The petitioners moved the representations dated 20.4.2016 and dated 2.5.2016 (Annexure P-1 Colly) to respondent No.3 and the Chief Minister, Haryana for closure of Jain Primary School. The District Elementary Education Officer, Ambala wrote a letter dated 12.9.2016 (Annexure P-2) to the Director Elementary Education, Panchkula for clarification from respondent No.5 asking them to explain under which rules they were running two schools. In CR No. 6872 of 2015 filed by the tenants against respondent No.5, a Local Commissioner was appointed to verify the existence of the school. The Local Commissioner vide his report dated 12.4.2016 (Annexure P-2/A) wherein it was mentioned that the school in Gur Mandi is illegal and without recognition by the competent authority. The Local Commissioner also recorded the statement dated 12.4.2016 (Annexure P-3) of respondent No.3. A similar Public Interest Litigation bearing CWP No. 15225 of 2012 was filed and this Court vide order dated 4.9.2012 (Annexure P-4) disposed of the said writ petition with a direction to respondents No.3 and 4 to ensure that respondents No.7 and 8 close their schools in terms of notices given to them and respondent No.2 was directed to conduct a survey in the entire State of Haryana to ensure that no school is established/allowed to function in violation of the provisions of Section 18 of the Right of children to Free and Compulsory Education Act, 2009 as well as the provisions of Haryana School Education Act, 1995 and Rules framed thereunder. In pursuance thereto, the official respondents filed a status report dated 11.10.2013 (Annexure P-5) in this Court. However, no action has so far been taken on the representations (Annexure P-1 Colly) moved by the petitioners. Hence,

the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representations dated 20.4.2016 and dated 2.5.2016 (Annexure P-1 Colly) to respondent No.3 and the Chief Minister, Haryana, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representations dated 20.4.2016 and dated 2.5.2016 (Annexure P-1 Colly), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners and respondents No.5 to 7 within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 18, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No