

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24220 of 2014 (O&M)
Date of decision: 1.2.2016

S. A. Jain Senior Secondary School

.. Petitioner

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. D. S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana.

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Rajesh Bindal J.

Inter-alia, the grievance of the petitioner is that the application dated 3.5.2012/27.6.2012 filed by the petitioner for grant of NOC for according status of a minority institute was not decided within the time framed under National Commission for Minority Educational Institutions Act, 2004. A notice dated 13.10.2014 was pasted outside the school campus, which was noticed by the petitioner only on 16.10.2014 as 14/15.10.2014 were holidays on account of elections of Haryana Vidhan Sabha. As the petitioner came to know about the notice only on 16.10.2014, the petitioner could not be represented before the competent authority. Rejection of the application on the grounds mentioned in the impugned order cannot be sustained, as the petitioner did not require to apply for registration under the Right to Education Act in case the petitioner is a minority institution and further the petitioner had already applied for registration under the Haryana Registration and Regulation of Societies Act, 2012. He further submitted that in case opportunity is granted, the petitioner

will satisfy the authority that it fulfills all the conditions required for a minority institution.

Learned counsel for the State fairly submitted that the competent authority will re-examine the case of the petitioner without being prejudiced with what has been stated in the impugned order dated 17.10.2014. Let the petitioner appear before respondent No. 2 on 23.2.2016 at 11.00 AM.

After hearing learned counsel for the parties and considering the submissions, noticed above, especially the fair stand taken by learned counsel for the State, the present petition is disposed of with a direction to respondent No. 2 to re-consider the application of the petitioner for being declared as a minority institution without being prejudiced by the order dated 17.10.2014, earlier passed against him.

(Rajesh Bindal)
Judge

1.2.2016
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