

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-24565-2016

Decided on : 20.12.2016

Inderjit Singh

... Petitioner

Versus

Punjab School Education Board and others

.. Respondents

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

Present : Mr.Jastej Singh , Advocate
for the petitioner.
Mr.Ranjit Singh Kalra, Advocate
for respondent No.1.
Ms.Lavanya Paul, AAG, Punjab
Mr. Sahil Arora, Advocate
for respondents No.5 to 8.

G.S.Sandhawalia, J. (Oral)

Petitioner seeks quashing of the order passed by the respondents not to strike off his name from Class-X of the respondent No.4, school.

Allegations of mala fide have been made against respondents No.4 and 5, who apart from the Principal, are the Sarpanch and the other residents of the village, being ex-Chairman of the market committee, Nambardar and members of the school committee. It is the case of the petitioner that his father is an ex-serviceman and had joined the Aam Admi Party since last 2-3 years. Therefore, on account of his political background, the petitioner has been targeted. The petitioner further alleged that representation has also been made (Annexure P/2)

that on account of the his name being struck off, he be allowed to attend the school since he cannot take admission in another school.

The response of the State on the other hand, as per the reply filed by respondents No.2 to 4 through the District Education Officer is that the petitioner was admitted to 6th Class in the year 2010 and there were difficulties about his conduct. In the year 2013 also, complaints were received and application dated 30.07.2013 (Annexure R-2/1) as such, was submitted by way of written apology for the mistake. The petitioner passed his 8th class in March, 2014 and was admitted in class 9th on April 1, 2014 and he had failed in 9th Class in March 2015, but he was again allowed to study in 9th Class for the year 2015-16. He remained absent in the month of April and his name was struck off from the school. School leaving certificate was also issued to the petitioner on 06.07.2015 (Annexure R-2/2). On account of the petitioner not getting admission in any other school upto 12.08.2015, he again came back to the same school on 13.08.2015 in the 9th Class. He passed 9th class with grace marks and was admitted to 10th Class on 01.04.2016.

Reference was made to the complaint filed by the 10th class girls students to the effect that he used to abuse them and their class teachers. It is the case of the official respondents that complaint dated 16.05.2016 (Annexure R-2/3) was received and even the letter was written to the Gram Panchayat, Kotra Kalan by the school authorities

on 17.05.2016 (Annexure R-2/4). An effort was made to advise the petitioner but he did not follow its advise. FIR No.51 dated 19.05.2016 under Sections 354, 506 and 120 B IPC was lodged at Police Station Bhikhi, District Mansa(Annexure R-2/5). School authority had also written a letter dated 20.08.2016 (Annexure R-2/6) mentioning the continuance undesirable activities of the petitioner. The petitioner's father and grand father were informed a number of times about the objectionable activities of the petitioner.

Thereafter also, an FIR No.65 dated 15.09.2016 (Annexure R-2/7) under Sections 354 C, 354D and 341 IPC at Police Station Sadar Rampura, District Bathinda was lodged against the petitioner and three others. A complaint dated 19.11.2016 (Annexure R-2/8) was also received that he had disturbed the whole environment of the school and he disobeyed his teachers and created indiscipline in the school and takes drugs. It is specifically averred that parents of the other students took their children out of school gate and staged an agitation in front of the school gate. On 19.11.2016 all the parents decided not to send their children to the school. As a result of this, no student was present in the school on 19.11.2016. State also in its reply, submitted that the department is ready to admit the petitioner in nearby boys school. The recommendation was made for Govt. Sr. Sec. Khiala Kalan (Boys), GSSS Bhikhi (Boys) and Govt. Sr. Sec. School, Mansa (Boys) for the admission of the petitioner.

The private respondents on the other hand, took a similar plea regarding the wrong activities of the petitioner and the indiscipline as such. Reference was also made to the extra ordinary notorious behavior and obscene acts which the petitioner would resort to, and thus, it was submitted that the petitioner could not be allowed to study in a co-educational school on account of his bad conduct.

The petitioner has filed an additional affidavit taking pleas that the father of the petitioner was given anticipatory bail in FIR No.51 dated 19.05.2016 and subsequent FIR was on the basis of political rivalry. Reference was also made that he had been falsely implicated in the said case and the investigating officer had also been issued a show cause notice by the court for wrongly detaining him.

Counsel for the petitioner has vehemently submitted that the action of the respondents has been resorted to without giving any notice as such to the petitioner. He has been targeted because of the political alliance of his father. Reference was also made to the fact that FIR No.65 had been lodged by the Principal, Guru Teg Bahadur Nagar, Sadar Rampura, Bathinda and the same Principal has now given a certificate dated 15.09.2016 (Annexure P/7), that his staff members had caught hold of two persons namely, Chamkaur Singh and Gurjeet Singh resident of Kotra Mansa but the present petitioner was not involved.

The arguments as such, would be the disputed questions

which this Court would be loathe to accept on the basis of affidavits or statements. It is a settled principle that the writ court does not go into disputed questions of fact. In the present case, it is more pertinent to mention that criminal proceedings have also been initiated and therefore, in such circumstances, accepting either version would not be appropriate to that extent whether the FIRs have been rightly lodged or with mala fide intention.

However, the fact remains that the petitioner does not seem to have a good academic record. He tendered unconditional written apology in the year 2013 which was thumb marked by his grand father, Chand Singh. It is also matter of fact that he repeated class 9th and also remained absent and his name was struck off from school. The progress to the 10th class only took place on account of getting grace marks.

Keeping in view of the above facts and the protest of the parents of other children on 19.11.2016, even though no written orders might have been passed since the petitioner approached this Court immediately on 24.11.2016, interference does not appear to be warranted. Thus, in the peculiar facts and circumstances, this Court is of the opinion that the suggestion which has been given by the State that the petitioner can be accommodated in a boys school in the nearby area, is well justified. Keeping in mind the above background, this Court feels that it is not a fit case for interference in the action of the

respondents not permitting the petitioner to attend classes in the said school. The suggestion of the respondents, however, that he could be admitted in the three boys schools as mentioned above, would protect his interest to the extent that his academic career would not be harmed. The writ Court is thus of the prima facie view that the harm caused to the petitioner might be less than the harm which would be caused to other students of the respondent school, especially of the girl students, if the petitioner is as such allowed to attend classes.

Resultantly, it will be open to the petitioner to approach respondent No.3-District Education Officer who shall take immediate steps to accommodate the petitioner in any of the the above mentioned three schools at the earliest.

Accordingly, present writ petition is dismissed.

[G.S. SANDHAWALIA]
JUDGE

20.12.2016

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No