

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

**CWP No.26654 of 2015
Decided on :26.08.2016**

S.K. Education Society

... Petitioner

Versus

The State of Haryana and another

... Respondents

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

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the order dated 11.08.2015 (Annexure P-2) passed by the Appellate Authority, whereby his appeal was dismissed.

Notice of motion was issued only on the limited ground that the order was passed in the absence of the counsel and, therefore, necessary facts could not be brought to the notice of the Appellate Authority.

It is the argument of the counsel for the petitioner that his application for permanent recognition for 10+1 and 10+2 had been filed in the year 2000, but no action was taken on the said application for 13 long years and the order was passed only on 22.03.2013. The revised norms had come into force by that time and, thus on merits his case has been rejected. It is, accordingly, submitted that specifically in para 16 of the appeal, the issue was raised and, therefore, the delay in deciding his application was to prejudice.

Without commenting upon the arguments as such raised by the counsel for the petitioner and keeping in view the fact the counsel was not present before the Appellate Authority, and in view of the averments made in Para No.4 of the writ petition justifying the absence, the present writ petition is allowed. The Appellate Order dated 11.08.2015 (Annexure P-2) passed by the respondent No.1 is, accordingly, set aside. The said respondent shall re-hear the appeal of the petitioner.

Necessary exercise be done within a period of 3 months from the receipt of the certified copy of this order.

AUGUST 26, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No