

CWP No.13531 of 2015 (O&M)

[1]

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

**CWP No.13531 of 2015 (O&M)
Date of decision:16.05.2017**

Kulwinder Singh and others ...Petitioners

Versus

State of Punjab and others ..Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Siddharth Gupta, Advocate,
for the petitioners.

Mr. M.S.Longia, Advocate,
for respondent nos.2 to 4.

Rakesh Kumar Jain, J. (Oral)

The petitioners are the students of respondent no.4-school, who are aggrieved against the issuance of a circular dated 19.03.2015 by the Shiromani Gurudwara Prabandak Committee (hereinafter referred to as the “SGPC”), recalling the circular dated 05.12.2013.

In short, the SGPC issued a circular on 05.12.2013 to waive off the school fee of all the “Amritdhari” students studying in the institutions run by it. However, vide the subsequent circular dated 19.03.2015, instead of waiving off the school fee, the SGPC fixed the following scholarships for the “Amritdhari” students for the session 2015-16:-

- “1. First Class to Fifth Class = Rs.2000/- annum
2. Six Class to Tenth Class =Rs.3000/- annum
3. 10+1 to 10+2 = Rs.4000/- annum”

In the reply filed by the Department of Education, it is alleged

that the writ petition is not maintainable because the respondent no.5 is a private school, receiving no grant from the State and the school funds etc. are being determined by the Management of the SGPC.

In the reply filed by the SGPC, it is alleged that the concession was given for propagating the Sikh religion, which does not confer any right upon the petitioners which may be enforced through the process of law. It is further submitted that the Dharam Parchaar Committee of the SGPC had earmarked the aforesaid amount for scholarship for the session 2015-16, which keeps on changing with the availability of funds. It is also submitted that the SGPC has passed a resolution to give more funds in the year 2017-18 for the “Amritdhari” students.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the cause espoused by the petitioners in this petition is purely of civil nature, for which the petitioners may approach the Civil Court by filing a proper suit. Thus, the petitioners are left to avail the remedy of Civil Suit and the present writ petition is hereby dismissed being not maintainable.

May 16, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No