

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

106

CWP No.24673 of 2017 (O&M)
Date of decision: November 27, 2017

Rajesh Kumar (Shastri) and others

....Petitioners

versus

State of Haryana and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL***

Present: Mr. Gurinder Pal Singh, Advocate for the petitioners.

Mr. R.K. Malik, Sr. Advocate with
Ms. Rimple Sohi Kadyan, Advocate
for the applicant in Civil Misc. No.16416 of 2017.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

AJAY KUMAR MITTAL, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India, by way of public interest litigation, for issuance of directions to the respondent-State not to privatize the Elementary & High School Education by implementing the Haryana Voluntary State Education Service Rules, 2017 (**Annexure P-3**) in any case during the middle of the session and also not to change the character of the schools from government aided schools to private schools where the petitioner students and other similarly situated students are studying contrary to the spirit of Article 21-A of the Constitution of India and mandatory provisions of Right to Education Act, 2009. Further prayer has also been made to set aside the impugned rules i.e. **Annexure P-3** and the Government decision

dated 17.10.2017 i.e. Annexure P-4 to privatize the Government Aided Schools by transferring/taking over the services of teaching and non-teaching faculty and during the pendency of the writ petition, the shifting/transfer of the teachers in the middle of the session i.e. upto 31.03.2018 be stayed.

2. After arguing for sometime, learned counsel for the petitioners submitted that he may be allowed to withdraw the present writ petition with liberty to the petitioners to approach the concerned authority or to avail any other alternate remedy, as may be available to them, in accordance with law.

3. Dismissed as withdrawn.

4. It shall, however, be open to the petitioners to take recourse to the remedies as may be available to them, in accordance with law.

Civil Misc. No.16416 of 2017

This is an application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure to implead Haryana Prant Adhyapak Sangh (Regd.) through its President as respondent No.3.

In view of order passed in CWP No.24673 of 2017 of even date, the present application has been rendered infructuous and the same is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

November 27, 2017

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No