

CWP No.8195 of 2017

[1]

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

**CWP No.8195 of 2017
Date of decision:21.04.2017**

Bhalla Ram Education Trust Regd. and another ...Petitioners
Versus
State of Haryana and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Jitender Dhanda, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

Petitioner No.1, an Educational Trust running petitioner No.2-school, has challenged the order dated 30.03.2017 passed by respondent No.2, withdrawing recognition of petitioner No.2-school.

In brief, petitioner No.2 was granted provisional recognition for Class I to VIII with effect from 01.04.2015. A complaint was made to the District Town Planner (Enforcement), Panipat about the forged NOC dated 23.06.2014, purported to have been issued by the District Town Planner (Enforcement), Panipat on the basis of which provisional recognition was granted. It transpired that the land of the Trust falls in the controlled area of Madlauda, wherein no construction could be made of a school building without taking CLU from the Director General, Town and Country Planning, Haryana and there was no provision to issue NOC in the controlled area for erection or re-erection of a building. As a consequence thereof, FIR No.227 dated 30.06.2016, under Sections 3/6/7 PSR of CAR of UDAS, 1963 and FIR

No.335 dated 14.09.2016, under Section 420 IPC was got registered at Police Station Madlauda, Panipat by the District Town Planner against the office bearers of the Trust. The District Town Planner (Enforcement), Panipat issued a show cause notice dated 30.09.2016 to the Trust as to why the provisional recognition granted for their school be not withdrawn with effect from the academic session 2017-2018. Despite the fact that 15 days time was granted, no reply was filed by the Trust within the stipulated time and, thereafter, reminder was also given. Ultimately, reply was filed by the Trust in which it was averred that the trust has not forged any NOC. It is also averred that as soon as it came to their notice that Madlauda has been notified as a controlled area vide notification dated 22.04.2010, an application was made to the Director General, Town and Country Planning, Haryana on 27.05.2016 for obtaining CLU.

In this background, hearing was afforded to the petitioners and it was observed that the Trust had submitted a fake NOC instead of CLU and got the permanent recognition misleading the department. Ultimately, respondent No.2 has passed the impugned order to withdraw recognition of the School from the next academic session 2017-2018 commencing from 01.04.2017 and the school has been directed not to make any admission for the next academic session 2017-2018 and adjust the students already admitted by them in the nearby government or private schools.

Counsel for the petitioners has submitted that the school has been established by the Trust after completing all the formalities. There are more than 200 students admitted in the school who would suffer because of withdrawal of recognition. The Trust has already invested huge amount of

₹2.5 crores for the school infrastructure and have also obtained loan. The Trust has also applied for CLU and NOC from the other departments, therefore, de-recognition is not in the public interest as well.

After hearing learned counsel for the petitioners and examining the available record, I am of the considered opinion that the petitioners have failed to challenge the core issue involved in this case on the basis of which the impugned order has been passed. The petitioners obtained recognition by submitting a fake NOC, purported to have been issued by the office of the District Town Planner (Enforcement), Panipat. The District Town Planner (Enforcement), Panipat has already got registered two FIRs bearing No.227 and 335 against the petitioners for the fraud having been committed by the petitioners. If the petitioners have applied for CLU, it would hardly make any difference because the recognition was obtained by misleading the department.

In view of the above, I do not find any merit for the purpose of interference in the present petition and hence, the same is hereby dismissed.

April 21, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No