

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

(116)

CWP-9463-2017

Decided on: May 04, 2017.

Sant Nischal Singh Public School, Yamunagar

.... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kanwal Goyal, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner claims that it is an educational institute, run by a Trust. Through instant writ petition, it seeks a writ in the nature of mandamus directing respondent No.2, Director General, Senior Secondary Education, Shiksha Sadan, Sector 5, Panchkula, Haryana to issue No Objection Certificate for minority status as a Sikh Minority to the petitioner school claiming that it is run by the Turst as per provisions of Section 10 of the National Commission for Minority Educational Institutions Act, 2004.

Application dated 08.01.2016 submitted by the petitioner along with requisite documents and offer of payment of Rs. 1 crore, is pending since January, 2016. Such an application is required to be adjudicated upon expeditiously.

As per the provisions of Section 10 (3) of the said Act, it is provided that where an application under Section 10 (1) for grant of No Objection Certificate is not granted within a period of 90 days and no communication is received regarding rejection of such certificate, it shall be deemed that the competent authority has granted No Objection Certificate.

The grievance of the petitioner is that despite the expiry of period of

more than 15 months, no decision has been taken causing serious prejudice to the admission and administration of the petitioner School.

Notice of motion to Advocate General, Haryana.

On asking of the Court, Mr. Kapil Bansal, DAG, Haryana, present in the Court, accepts notice. Copy given.

After considering the facts and circumstances of the case and without expression of any opinion on merits of the case, this Court is of the considered opinion that ends of justice would be adequately met, in case, a direction is issued to respondent No.2 to consider the claim of the petitioner as submitted in Annexure P-6 dated 08.01.2016 for grant of No Objection Certificate for conferring monitory status to the petitioner school, i.e. Sant Nischal Singh Public School, Yamunanagar, within a period of 15 days after the receipt of certified copy of this order subject to petitioner fulfilling all the requisite guidelines dated 14.08.2015 (Annexure P-5) including pledging of the requisite amount.

A further direction is issued that in case, the petitioner fulfills all the requisite conditions including the condition of deposit of any amount, speaking order will be positively passed within a period of 15 days, in case the school is found entitled for the status.

It is further observed that during pendency of the consideration on application, admission process and running of the school will not be interrupted by the respondents.

(M.M.S. BEDI)
JUDGE

May 04, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No