

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CWP-27326-2018

Date of decision : 02nd October, 2018

NAV BHARTI PUBLIC SCHOOL AND ANOTHER

.....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Parmod Kumar Parmar, Advocate
for the petitioners.

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TEJINDER SINGH DHINDSA , J (ORAL)

Nav Bharti Public School, Village Pabnera, School Code 25744, Tehsil Ganaur, District Sonapat, Haryana and Nav Jyoti Public School, School Code 25745, Village Bega, Tehsil Ganaur, District Sonapat, Haryana have approached this Court assailing the notice dated 17.10.2018 (Annexure P-5) issued by the District Education Officer, Sonapat calling upon them to close the schools with immediate effect. Further prayer is for the issuance of writ in the nature of mandamus for directing the respondent authorities to consider their applications in the **Existing List** of schools.

Having heard counsel for the petitioners at length this

Court is of the considered view that there is no merit in the instant petition and the same deserves to be dismissed.

The issue as regards schools being run in State of Haryana without getting any kind of recognition/affiliation came to be considered by a Division Bench of this Court in CWP-15225-2012 (**Manoj Kumar Jaswal Vs. State of Haryana and Others**),. It had been pleaded by the petitioner therein that schools pertaining in Faridabad in the State of Haryana were being run without obtaining any recognition under the provisions of Section 18 of the Right of Children to Free and Compulsory Education Act, 2009 as also, in violation of the provisions of Sections 4 & 5 of the Haryana School Education Act, 1955 and the Rules framed thereunder.

The writ petition was disposed of by a Division Bench on 04.09.2012 with the following directives;

“Respondent No.2/Financial Commissioner-cum-Principal Secretary, Department of Education, State of Haryana is directed to conduct a survey in the entire State of Haryana to ensure that no school is established/allowed to function in violation of the provisions of Section 18 of the Act of 2009 as well as the provisions of Haryana School Education Act, 1955 and Rules framed thereunder. Survey be completed within four months and a report be placed on record of this case”.

On a specific query having being put to the counsel, it has been conceded that the petitioner schools herein have not at any stage been granted recognition/affiliation by any State authority.

In view of the above no infirmity is found in the impugned memo dated 17.10.2018 (Annexure P-5) issued by the District Education Officer Sonapat. Rather the impugned memo dated 17.10.2018 would be viewed as a belated compliance of the directions issued by the Division Bench in Manoj Kumar Jaswal case (supra).

Petition stands dismissed.

**(TEJINDER SINGH DHINDSA)
JUDGE**

02.11.2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No