

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

**CWP No.331 of 2017
Date of decision: 06.12.2018**

Massu Ram and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. J.S. Rana, Advocate for the petitioners.
Ms. Monica Chhibbar Sharma, Sr. DAG, Punjab.
Mr. Anupam Singla, Advocate for respondent No.2.
Mr. Gaurav Singla, Advocate for
Mr. Anurag Goyal, Advocate for respondents No.6 & 7.

KRISHNA MURARI, C.J. (Oral)

Petitioners approached this Court seeking following relief:

“(ii) and to issue a Writ of Certiorari for quashing the letter Annexure P-10 dated 19.10.2016 issued by the respondent No. 2-Board (Punjab Education Development Board), directing to the SDM Bathinda, District Bathinda to handover the charge of Adarsh Sr. Sec. School Pathrala (Bathinda) to the respondent No. 6-Society; and also to quash the further proceedings pursuant thereto, including handing over of charge of the said school by the Principal to the respondent No.6, vide letter Annexure P-11 dated 25.10.2016, inter-alia, on the grounds that (i) the respondent No.7, who is the Chairman of the respondent No.6 Society (NGO) has a criminal antecedents inasmuch as that he along with two other accused persons had been tried for charge of robbery (under Section 392/397 of IPC) and attempt to murder (under Section 307 IPC) by the

Court of **Ld. Sh. G.S. Saran**, Additional Sessions Judge, Ropar, and he was acquitted due to complainant/victim himself turning hostile, vide judgment Annexure P-12 dated 19.10.2007; and (ii) as per the practice adopted by the respondent No. 2-Board, the private partners for running the administration of the Adarsh school in the State of Punjab (in Public Private Partnership Mode) are selected only on the basis of their being close to the Ruling Political Party, irrespective of their antecedents; and (iii) in another case in CWP No.26011 of 2016 (**Rajandeep Kaur and others Vs. State of Punjab and others**), where an NGO headed by a person, who was facing scores of criminal cases under Section 138 of the Negotiable Instruments Act etc., was appointed private partner to run the Adarsh Sr. Sec. School Hardasa, the said appointment has been stayed by this Hon'ble Court die interim order dated 15.12.2016 (Annexure P-8) till further order; and (iv) in view of the well settled position of law, mere acquittal on the witnesses or the victim/complainant turning hostile cannot wipe off of the stigma attracted due to the criminal proceedings, particularly in the case of heinous crime like robbery coupled with attempt to murder, (the detailed reference to the various judgments on this aspect is being made in the body of the instant Civil Writ Petition); and (v) the educational atmosphere of the respondent No. 5-School is bound to be adversely effected and vitiated in case an NGO headed by a person with such criminal antecedents is handed over the administration of the said school by appointing such NGO as private partner;

And to restrain the operation of the impugned orders, and by restraining the respondent No.6 from running the administration of the respondent No. 5-School, as a private partner during the pendency of the instant Civil Writ Petition;

And also to restrain the respondents no.6 and 7 from terminating the services of the petitioners no.1 to 9, as a measure of retaliation against filing the instant civil writ petition, during the pendency of the instant civil writ petition.”

Today, Mr. Anupam Singla, learned counsel appearing for the Punjab Education Development Board, has produced before us an order dated 3rd July, 2018, a copy whereof has been supplied to learned counsel for the petitioners, vide which a decision has been taken to close the Adarsh School Pathrala and terminate the contract to run the school with M/s Shaheed Udham Singh Education and Welfare Society i.e. respondent No.6, on the ground that purpose of opening Adarsh School has not been fulfilled. Once the school has been directed to be closed and the contract with respondent No.6 has been terminated, no cause of action survives in this petition and is not liable to be continued on Board any further and accordingly stands dismissed as such.

**(Krishna Murari)
Chief Justice**

**(Arun Palli)
Judge**

06.12.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO