

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-29152-2018 (O&M)
Date of Decision: 13.12.2018

Ch. Karam Singh Pannu Education Society

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Thind, Advocate for the petitioner.

Mr. D. Khanna, Addl. A.G., Haryana.

Mr. K.K. Gupta, Advocate for respondent no.3.

TEJINDER SINGH DHINDSA.J (Oral)

As per pleadings on record, the petitioner-society is registered under the Haryana Cooperative Societies Act and is stated to be running a school under the name and style of Prakash Memorial High School at Hisar.

It is averred that the school has enrolled students in classes 8th, 9th and 10th and for which the examination is to commence in February/March, 2019 but the M.I.S Code and Online School Code is not being issued by the respondent authorities. Accordingly, a Writ of Mandamus has been prayed for directing the Director, Secondary Education, Haryana as also Haryana School Education Board, Bhiwani to take necessary steps for issuance of M.I.S Code and Online School Code.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

Placed on record at Annexure P-1 is an order dated 29.7.2015 issued by the Director, Secondary Education, Haryana and whereby on the basis of recommendations made by the District Education Officer concerned, provisional recognition for the Academic Session 2015-2016 was granted in favour of five schools including the school being run by the

petitioner society.

In order to buttress the prayer made in the instant petition, there are categoric averments made in paras 2 and 3 of the writ petition that after grant of provisional recognition by the Director, Secondary Education Haryana for the Academic Session 2015-2016 vide order dated 29.7.2015, the school **is being granted said recognition every year till date.**

In the light of such categoric averments, copy of the petition had been handed over to learned State counsel as also to Mr. K.K. Gupta, Advocate/Standing Counsel for the respondent no.3-Haryana School Education Board, Bhiwani and they were requested to complete instructions.

Counsel representing the respondent authorities have clarified that after issuance of order dated 29.7.2015 (Annexure P-1) which was confined only to the Academic Session 2015-2016, no further recognition even on provisional basis has been granted in favour of the society or to the school being run under the aegis of the society. Learned State counsel upon instructions from Ms. Inderjit Kaur, Block Education Officer, Hisar has further apprised the Court that the consequent affiliation to be granted after provisional recognition was also denied to the petitioner school/society.

Learned counsel representing the petitioner society, at this stage, was called upon to clarify and to produce documents in support of the categoric averments made in para 2 of the writ petition that the petitioner society/school had been granted provisional recognition for subsequent Academic Sessions after 2015-2016. Counsel expresses his inability to do so. Even President of the petitioner-society Mr. Sant Lal, who is present in Court, on being put a specific query, has conceded that after grant of

provisional recognition for the Academic Session 2015-2016 no further orders in such regard were issued in favour of the petitioner-school/society.

It is a clear case where the petitioner-society has made a deliberate attempt to hoodwink this Court.

No relief can be granted to any person, who approaches this Court with soiled hands.

Petition, accordingly, is dismissed.

At this stage, counsel for the petitioner submits that indulgence may be shown in view of the fact that students have been admitted to the school. Even such prayer is wholly misconceived. Clearly the petitioner-society has taken advantage of certain gullible students and has admitted such students without there being any recognition/provisional or otherwise as also affiliation.

Under such circumstances, it would be open for the students in question to initiate appropriate proceedings against the petitioner-society including a claim for adequate compensation.

(TEJINDER SINGH DHINDSA)
JUDGE

13.12.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No