

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

219

**Civil Writ Petition No.4403 of 2017
Date of decision: April 05, 2018**

H.C. Arora, Advocate

....Petitioner

versus

State of Punjab and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL***

Present: Mr. J.S. Rana, Advocate for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

Mr. Ankit Aggarwal, Advocate for
Mr. Anupam Singla, Advocate for respondents No.3 & 4.

Mr. Sandeep Khunger, Advocate for respondent No.5.

Mr. Gaurav Singla, Advocate for respondent No.6.

Mr. Vivek Salathia, Advocate for respondent No.7.

AJAY KUMAR MITTAL, J. (Oral)

1. The prayer in this petition filed by way of public interest litigation under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari for setting aside the guidelines dated 10.01.2008 (**Annexure P-5**) issued by the respondent-State Government/Punjab Education Development Board (respondent No.3), for running the PPP Mode (Public Private Partnership Mode), *inter alia*, on the grounds that (i) the aforesaid guidelines have resulted into respondents No.1 to 3 having completely abdicated their role in controlling the conduct of private partners inducted for running 24 various Adarsh Sr. Sec. Schools in the State of Punjab so much so that those private partners have been given complete freedom to hire and fire the staff, which is totally impermissible in view of the fact that the funds for running the administration of such Schools are

provided through tax/cess collected on the sale of liquor, under statutory provisions, which funds cannot be simply wasted at the whims and fancy of private partners; (ii) as there is no transparent procedure for selection of private partners, with the result that private partners like respondents No.5 to 7 herein, have been able to grab such assignment on the basis of their political considerations, notwithstanding the fact that many such private partners have criminal antecedents, and have never in the past done any charitable activity involving crores of rupees, which is required to be done by them; and (iii) despite the fact that the various education activities in such Schools under PPP Mode are being funded from State Exchequer, yet respondent No.3 is not having any control over such private partners, which are indulging into various illegal and undesirable activities.

2. Learned counsel for the petitioner, at the outset, submitted that he has instructions to withdraw the present writ petition.

3. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

April 05, 2018
sonia gugnani

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No