IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.5321 of 2019
Date of decision:-27.02.2019

Rishikul Senior Secondary School

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.(ORAL)

The Rishikul Senior Secondary School, Grarwal, Tehsil Gohana, District Sonepat, has filed the instant writ petition seeking a mandamus to direct the respondent-Board of School Education, Haryana, to issue roll numbers and admit cards to 97 students who are studying in Class 12th of the petitioner school.

Counsel submits that the petitioner was accorded permanent recognition by the competent authority under the Haryana State Education Department/Board for running classes from Class 1st to Class 10th. Thereafter the school sought permission for running classes 11th and 12th for the academic session 2018-2019. Temporary recognition was granted vide letter dated 19.07.2018 at Annexure P-3. In pursuance to such temporary recognition 97 students were admitted in 12th class. It is further urged that the school has submitted the forms of the students alongwith the requisite fee of Rs.78,800/- to the respondent Board. The schedule for examination has been issued and in terms thereof the practicals

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examinations commenced w.e.f. 23.02.2019 and the written examinations are to be held from 07.03.2019 onwards. It is contended that the respondent-Board is not issuing the roll numbers and admit cards and such action is arbitrary and will play havoc with the careers of the 97 students who have been admitted in the XII class.

Having heard counsel for the petitioner at length, this Court is of the considered view that the instant petition is completely bereft of merit and deserves to be dismissed.

Memo dated 19.07.2018 issued by the Department of School Education, Haryana, has been placed on record and appended at Annexure P-3. The contents thereof would be crucial and are re-produced hereunder:-

Department of School Education
Haryana
Appropriate Authority

(as prescribed under Rule 34 (1) of Haryana School Education Rules-2003)
Education, Culture and Development

School Education, Haryana

Memo No.30/11-2017 PS (4) Dated:-19.07.2018

In exercise of powers conferred under Rule 29 (3) read with Rule 3 of Haryana School Education Rules-2003 Education Department, Haryana hereby permit to add new proposed classes for higher stage. However, it is made clear that such permission will not enable such school to get recognition automatically for which the applicant shall have to fulfil the required conditions.

This letter of permission is based on the undertaking given by the applicant as per details given overleaf. Any violation of the undertaking automatically nullifies the permission. This permission is further subject to 'No Objection' from the 'Competent Authority' regulating the land use of the

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proposed site.

The permission to add new proposed classes for higher stage is only 'In-principle' approval of the Education Department to allow applicant to initiate steps and provide infrastructure to the new proposed classes of higher stage.

Students should not be admitted only on this permission without getting recognition. The recognition will be granted R.T.E. Rules-12 Appendix-II by the Department on fulfillment of prescribed norms as provided in Haryana School Education Rules-2003, in the interest of safety, health and welfare of students and other requirements.

The managing committee shall abide by the provisions of Haryana School Education Rules 2003 (amended) & R.T.E. Rules 2011 and amendments if any thereafter. The Managing shall be liable for disciplinary action in case of violation of any provisions of the rules.

PARTICULARS OF THE SCHOOL

FOR WHICH THIS PERMISSION TO ADD

NEW PROPOSED CLASSES FOR HIGHER STAGE SCHOOL IS GRANTED

Regn. No.	*SS/SNP/BOSE/HND & ENG 24 July 2018*
Name of the Individual Association of Individual, Trust or company establishing the school	*Phul Singh Memorial Shiksha Samiti, VPO Gharwal, Distt.Sonepat*
Name of the School	*Rishikul Sr. Sec.School, VPO Gharwal (Sonepat)*
Address of the School	*Village/Town VPO Gharwal (Sonepat) Panchayat/Sector*
District Name	*Sonepat*
Stage	*11^{th} to 12^{th}*
Medium	*English & Hindi*
Syllabus/Affiliation	*BOSE*
Details of Land	*Total Land Measuring 7313 Sq.Yards*

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(Khasra/Killa)

This permission is valid up to next two academic sessions

Sd/-
Superintendent P.S.
For Director Secondary Education
Haryana, Panchkula

Perusal of the memo dated 19.07.2018 makes it apparent clear that the letter of permission for higher classes was only an **in principle approval** of the Education Department so as to allow the applicant/petitioner herein to initiate steps and to provide infrastructure to the new proposed classes of the higher stage. The school had been put to categoric notice and caution that students ought not to be admitted on such permission as contained in memo dated 19.07.2018 and without getting permanent recognition.

This Court would have no hesitation in observing that the school has taken things into its own hands and has proceeded to make admissions in Class XII without there being any permanent recognition. It has not even adhered to the embargo contained in the memo dated 19.07.2018 as regards students to be not admitted. During the course of hearing a specific query having been put to the counsel as to whether the prospective students at the stage of admission in the months of July/August 2018 had been put to notice as regards the school not having permanent recognition for the higher classes, response has been in the negative.

In view of the above prayer in the instant petition for directions to be issued to the respondent Haryana Board of School Education for issuance of admit cards to the students in question, cannot be accepted.

Petition is dismissed.

Costs of Rs.1,00,000/- are imposed upon the petitioner school to

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have had the audacity to raise the prayer as noticed hereinabove in the instant petition inspite of having admitted students and having put them in such a precarious situation and in complete violation of the memo dated 19.07.2018 at Annexure P-3. The costs be deposited with the Poor Patients Welfare Fund, PGI, Chandigarh within a period of four weeks from today.

Needless to observe that it would be open for the students in question to initiate appropriate proceedings against the petitioner school seeking compensation.

(TEJINDER SINGH DHINDSA)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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