

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

CWP No.9177 of 2019

Date of Decision : 05.04.2019.

Parents Association, Budha Dal Public School, Patiala

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Hari Chand Arora, Advocate for the petitioner.

B.S.WALIA, J. (Oral)

1. Notice of motion.
2. Mr. Ashok Kumar Singla, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of respondent Nos.1 to 3 while Mr. S.K.S. Bedi, Advocate, accepts notice on behalf of respondent No.4.
3. Learned counsel for respondent No.4 contends that the petitioner as well as respondent No.4 have filed appeal against order dated 07.08.2018, passed by respondent No.3 (Annexure P/4), before respondent No.2 and that in the circumstances, prayer for stay can be moved by the petitioner, if so advised against order dated 07.08.2018 before respondent No.2 and the action to be taken in terms of order dated 07.08.2018 would be subject to the outcome of the application for stay as decided by the Appellate Authority.
4. Having considered the position as brought to the notice of this Court and taking into account the fact that interest of the students of respondent No.4 should not suffer, the writ petition is disposed of by granting liberty to

the petitioner to move an application for stay in respect of order dated 07.08.2018 (Annexure P/4) before respondent No.2 within a period of one week from today. In the eventuality of application for stay being filed by the petitioner before respondent No.2, the same would be considered and decided by respondent No.2 after affording an opportunity of hearing to respondent No.4, in accordance with law, as expeditiously as possible.

5. Arrears, if any, to be deposited in terms of order dated 07.08.2018 (Annexure P/4) would be subject to the outcome of the decision of respondent No.2 on the application for stay to be moved by the petitioner. However, taking into account that the interest of the students of respondent No.4 should not be jeopardized on account of on-going litigation, respondent No.4 shall permit the students whose names have been struck off on account of non-payment of arrears in terms of order dated 07.08.2018 to attend classes subject to the outcome of the application for stay as also deposit of tuition fee for the current academic session.

6. Writ petition disposed of in aforementioned terms.

7. A copy of this order be supplied to the learned counsel for the parties, under the signatures of Bench Secretary, in order to ensure compliance.

(B.S.WALIA)
JUDGE

05.04.2019.

rajesh.k.khurana

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No