

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

**CWP No.12995 of 2019
Date of decision: 16.05.2019**

**Shaheed Udham Singh Educational &
Welfare Society (Regd.)**

....Petitioner

Versus

State of Punjab & others

....Respondents

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

Present: Mr. Gaurav Singla, Advocate for the petitioner.

B.S. WALIA, J (ORAL)

1. Challenge in the writ petition is to order Annexure P-13 dated 1.5.2019 passed by the Deputy Commissioner, Mansa, Distt. Mansa vide which Adarsh Senior Secondary School, Bhupal Kalan, District Mansa which was being run by the petitioner-Society on PPP mode has been blacklisted without compliance with the principles of natural justice while appointing the Sub Divisional Magistrate, District Mansa as school Administrator till further orders besides giving additional charge of the School to the Principal of Senior Secondary School, Ralla till 31.5.2019.
2. Learned counsel confines his argument at this stage only to the plea that the impugned order having been passed without giving the petitioner an opportunity of hearing, the same is legally unsustainable and liable to be set aside on this ground alone and the respondents directed to pass fresh orders after complying with the principles of natural justice.
3. Notice of motion to respondent No.4 only.

4. Mr. Rajesh Bhardwaj, Sr. DAG, Punjab, accepts notice on behalf of respondent No.4 and states that he has no objection to the innocuous prayer made by learned counsel for the petitioner.

5. In view of the position as noted above, impugned order Annexure P-13 dated 1.5.2019 is maintained to the extent of appointment of Sub Divisional Magistrate, Mansa as Administrator of the School till 31.5.2019 as also handing over charge of the School by way of additional charge to the Principal of Senior Secondary School, Ralla. However, the impugned order to the extent it blacklists the School without complying with the principles of natural justice is set aside while granting liberty to the Deputy Commissioner, Mansa, District Mansa to pass fresh orders after complying with the principles of natural justice and giving an opportunity of hearing to the petitioner.

6. Continuation of the order appointing Sub Divisional Magistrate, Mansa as Administrator of the School beyond 31.5.2019 as also of retention of charge of the School by the Principal, Senior Secondary School, Ralla or any other order as deemed appropriate would be subject to the outcome of fresh orders to be passed by the Deputy Commissioner, Mansa after complying with the principles of natural justice and giving an opportunity of hearing to the petitioner.

7. Writ petition is allowed to the extent as noted above.

May 16, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No