

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 10472 of 2015(O&M)
DATE OF DECISION : 25.03.2019

Dharam Pal & Anr.

... Petitioners

versus

State of Haryana & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amit Kumar, Advocate,
for the petitioners.

Mr. Sunil Vashishth, DAG Haryana.

Mr. Pawan Kumar Longia, Advocate
for respondents No.3 & 6.

Mr. K.K. Gupta, Advocate
for respondent No.7-HSEB.

Mr. Ranjit Saini, Advocate
for respondent Nos. 9 & 10.

ARUN MONGA, J. (ORAL)

1. The present petition has been filed, inter alia, praying for issuance of a writ in the nature of *mandamus* directing respondents No.1 to 8 to take action against respondent No.9(School) and respondent No.10 (Manager of the School) for running the school in residential area.

2. The lead contention of the petitioners, as raised in the writ petition, is that the school is being run without any appropriate sanction or approval from the competent authorities.

3. Learned counsel for the petitioners submits that the school is

being run in violation of Rule 30 (b) of Haryana School Education Rules, 2003 relating to “Minimum norms for land and building” including the safety norms such as safety of building, fire safety as well as hygienic compliance thereof. He contends that the school, therefore, cannot be allowed to run in residential area.

4. Per contra, the stand taken by the official respondents is that pursuant to the complaint of the petitioners, a show cause notice dated 16.10.2018 (Annexure R-1) has already been issued to respondent No.9 (school) and further proceedings shall taken place in accordance with law.

5. In view of the show cause notice having been issued, the prayer of the petitioner is rendered *infructuous* as the contemplated action has already been initiated by the official respondents. Based on the response of the school, appropriate orders would be passed in due course. The petition is disposed of as such.

6. The needful would be done by the official respondents within three months from today. The petitioners are at liberty to seek legal recourse to the contemplated order, which is likely to be passed in pursuance to the show cause notice, *ibid*.

(ARUN MONGA)
JUDGE

March 25, 2019

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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |