

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 13.11.2019****CWP No.11496 of 2016**

Shaheed Baba Deep Singh Foundation (Regd.) & others ...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. G.S.Bal, Senior Advocate, with
Mr. Ashish Mehlawat, Advocate, for the petitioners.

Ms. Simran Grewal, AAG, Punjab.

None for respondent No.4.

Mr. R.S.Bains, Advocate, for respondents No.7 to 14.

RAJIV NARAIN RAINA, J. (ORAL)

1. Learned senior counsel concedes that this petition suffers from mis-joinder of causes of action and want of maintainability in writ jurisdiction to decide the multifarious prayers made in the petition spread over several pages. All the prayers made, other than the petitioners' complaint against the provisional affiliation granted to the respondent School, deserve to go to the Civil Court for adjudication on disputed questions of fact. The only issue he identifies for directions by the writ Court is the action of the Central Board of Secondary Education (for short 'the Board') granting provisional affiliation to respondent No.8 – Shaheed Baba Deep Singh Public School, Pahuwind, Tehsil Patti, District Tarn Taran. But the order of provisional affiliation has not been placed on record.

Mr. Bal submits that the Board has not granted regular affiliation to the School due to pendency of this writ petition.

2. Normally, when an order impugned in a petition is not placed on record, the writ Court would refuse to exercise its jurisdiction as it has nothing to review before it. He submits that the petitioners had made representation/s [Annex P-13 (colly.) and P-15] to the Board against the provisional affiliation and a direction should fly to the Board to decide those representation/s.

3. Instead of passing such an order, this Court deems it fit to permit the petitioners to be heard at the time when the Board considers the case of respondent No.8 for regular affiliation, whenever that takes place. They will have a right of hearing. As far as other prayers are concerned, the petitioners are remitted to their remedy in the Civil Court as they are beyond the scope of jurisdiction under Article 226 of the Constitution to disentangle disputed questions of fact without proof by recording evidence.

4. With these observations and directions, the instant petition is disposed of.

13.11.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No