

121+122+295 (6 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CWP No.29834 of 2019
Date of decision: 16.10.2019

R.K. Senior Secondary School and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(2) CWP No.29750 of 2019
Date of decision: 16.10.2019

Ballabgarh Private Schools Association (Regd.) ...Petitioner

Versus

State of Haryana and others ...Respondents

(3) CWP No.26079 of 2019
Date of decision: 16.10.2019

Haryana Private School & Children Welfare Trust ...Petitioner

Versus

State of Haryana and others ...Respondents

(4) CWP No.27325 of 2019
Date of decision: 16.10.2019

Haryana Schools Welfare Association (Regd.) ...Petitioner

Versus

State of Haryana and others ...Respondents

(5) CWP No.26538 of 2019
Date of decision: 16.10.2019

Ujala Modren Senior Secondary School and others ...Petitioners

Versus

State of Haryana and others ...Respondents

AND

(6) CWP No.27864 of 2019
Date of decision: 16.10.2019

NISA Education ...Petitioner

Versus

State of Haryana and others ...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Pankaj Maini, Advocate for the petitioners in CWP Nos.29834, 29750, 26079, 26538 and 27864 of 2019.

Mr. Rahul Sharma-I, Advocate for the petitioner in CWP No.27325 of 2019.

Mr. Harish Rathee, Sr. DAG, Haryana and
Mr. Pankaj Mulwani, DAG, Haryana
for respondent Nos.1 to 4.

Mr. K.K. Gupta, Advocate for respondent No.5/
for Board of School Education Haryana.

B.S. Walia, J. (Oral)

1. This order shall decide CWP Nos.29834, 29750, 26079, 27325, 26538 and 27864 of 2019, as common questions of law and facts are involved.

2. Sole argument of learned counsel for the petitioners' is that although the petitioner schools / schools affiliated to the petitioner trust were granted provisional recognition by the Government of Haryana, consequently affiliation by the Board of School Education Haryana, Bhiwani (hereinafter referred to as the Board) up to the academic year 2018-19, claim for provisional recognition and affiliation for the academic year 2019-20 as well as permanent recognition of the schools in terms of the recommendation of the

District Level Committee constituted by the Director, Secondary School, Government of Haryana i.e. respondent No.2 is pending and no decision has been taken in respect thereto till date, consequentially, the petitioner schools are not in a position to submit online return of students of Class 9 to 12 for the academic year 2019-20.

3. Learned counsel for the petitioner further states that even the claim for affiliation can be processed only on grant of provisional/permanent recognition by respondent No.2 and the last date for filing online return for students of class 9 to 12 for the academic year 2019-20 is 29.10.2019, that there are approximately 6.5 lakhs students studying in 1894 schools throughout the State who are prejudicially affected due to want of decision by respondent No. 2, therefore, the writ petitions are liable to be disposed of by directing respondent No.2 to take a decision on the claim of the schools for provisional as well as permanent recognition for Class 9 to 12 in a time bound manner.

4. Learned Sr. DAG states that he has no objection to the prayer of learned counsel for the petitioners while Mr. K.K. Gupta, learned counsel for the Board states that if the circumstances of the case so warrant, time limit for submission of online return of students of class 9 to 12 would be extended by the Board.

5. In view of the position as noted above, respondent No.2 is directed to take a decision with regard to the claim of the petitioner schools for permanent recognition in accordance with the provisions of the Haryana Education Rules, 2003 as amended up to date as expeditiously as possible, and till such time that final decision is taken

on the claim of the petitioner schools for permanent recognition, their claim for provisional recognition be considered and decided in accordance with the rules applicable for the academic session 2019-20 preferably within two weeks from today where after the Board shall take a decision on the claim of the schools for affiliation in accordance with the rules and regulations.

6. Writ petitions disposed of as above. Copy of this order be given *dasti* to the learned counsel for the parties under the signatures of the Bench Secretary.

(B.S. Walia)
Judge

16.09.2019
rajesh.k.khurana

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