

210
(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through Video Conferencing)

1. COCP No. 1444 of 2020 (O&M)
Date of Decision: 10.11.2020

Vijay Kumar

.....Petitioner

Versus

Dr. Mahabir Singh and others

.....Respondents

2. CWP-8576-2020 (O&M)

Vijay Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Abhinav Aggarwal, Advocate,
for the petitioner.

Mr. Sandeep S.Mann, Addl. Advocate General, Haryana.

Mr. Pankaj Maini, Advocate,
for respondent No.4.

NIRMALJIT KAUR, J. (ORAL)

Both the aforementioned petitions shall stand disposed of by
this common order.

COCP-1444-2020 (O&M)

The present contempt petition has been filed for non
compliance of order dated 25.06.2020 passed in CWP No.8576 of 2020.

It was contended that although the Court vide an interim
order dated 25.06.2020 had directed the respondents to allow the
petitioner to access online classes and to participate in the studies etc. of
Class-9th, the respondents are not permitting the petitioner to take online

COCP No.1444 of 2020 (O&M) and another connected case

classes.

Reply was filed. It was stated in the reply that the daughter of the petitioner was studying in Little Hearts Public School, Haluwas Gate, Bhiwani, which has got recognized till Class 8th only. Accordingly, learned counsel for the petitioner took time to file affidavit that the daughter of the petitioner was studying in Little Hearts Public School, Village Devsar Kaushumbi Mor, Bhiwani.

Replication by way of affidavit of the petitioner was accordingly filed to the said effect.

Reply was also filed by the District Education Officer stating therein that daughter of the petitioner was actually studying in Little Hearts Public School, Haluwas Gate, Bhiwani, which is recognized uptill 8th class and now wants admission in Little Hearts Public School, Village Devsar Kaushumbi Mor, Bhiwani.

It was further stated by learned counsel for respondent No.4-School that the child was admitted under Rule 134-A of the Haryana School Education Rule, 2003 and therefore, cannot be shifted in the said category to the other Little Hearts Public School, Village Devsar Kaushumbi Mor, Bhiwani.

The facts being disputed, this Court, vide order dated 26.10.2020 directed the parties to appear before the Director, District Elementary Education, Panchkula to try and sort out the dispute and come before this Court with an amicable solution in the interest of the education of the child.

COCPC No.1444 of 2020 (O&M) and another connected case

Today, compliance report dated 09.11.2020 of Nitin Kumar Yadav, Director General Elementary Education has been filed placing on record the proposed solution. The same reads as under:-

“During the personal hearing, Sh. Pawan Goyal, Member of Smt. Manohari Devi Educational Society, Bhiwani agreed, keeping in view of the welfare of the daughter of the petitioner, on the proposal that the Manohari Devi Educational Society will give admission to Ms. Jaanvi in class 9th at Little Hearts Public School, Village Devsar Kaushumbi Mor, Bhiwani under the Poverty Concession Category and also waive off 100% tuition fee and other charges excluding transportation charges. Such concession would continue till class 12th. Further, the Society agreed to revise the point No.16 of the admission form to address the concern of the parent regarding liability when the ward is in the school premises. Accordingly, respondent is also of the view that this proposed solution may be the preeminent in the interest of the studies of Ms. Jaanvi.”

Learned counsel for the petitioner has no objection and has readily accepted the said proposed solution.

Learned counsel for respondent No.4-School however states that the petitioner is creating trouble qua other two children in their school and is not paying their fees etc.

In view of the above, the present contempt petition is disposed of in terms of the proposed solution placed on record by Nitin Kumar Yadav, Director General Elementary Education dated 09.11.2020 as best

COCOP No.1444 of 2020 (O&M) and another connected case

way out in the interest of studies of the child.

The needful as proposed be carried out by all the parties concerned.

Disposed of in the above terms by observing that no contempt is made out.

Rule issued against the respondents stands discharged.

It is however clarified that the above order has no bearing on the dispute of other two children and shall be sorted out between the parties, on their own merits.

However, it is hoped that the petitioner will not create unnecessary trouble and harass the school authorities.

CWP-8576-2020 (O&M)

In view of the aforesaid order passed in the contempt petition, nothing survives in the present writ petition and the same is also disposed of in the same terms as per direction issued in the said contempt petition.

All the pending miscellaneous applications are rendered infructuous and the same are disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

10.11.2020
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No