

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

102

LPA No.500 of 2020 (O&M)

DATE of decision: 14.08.2020

SWASTHAYA SHIKSHA SAHYOG SANGATHAN**..Appellant****V/S****STATE OF HARYANA AND OTHERS****..Respondents****CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA****HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Pankaj Maini, Advocate for the applicant/appellant.
Mr. Abhinav Aggarwal, Advocate for the appellant,

Mr. Aman Bahri, Addl. AG, Haryana

S.N. SATYANARAYANA, J.(ORAL)

The appellant herein is said to be an impleading applicant in CWP No.7453 of 2020 which was filed by Sarv Vidyalaya Sangha against the State and others challenging the action of respondents with reference to charging of fee in the education institutions.

Admittedly, the said writ petition in CWP No.7453 of 2020 was decided by the learned Single Judge of this court by order dated 27.7.2020. Wherein the learned Single Judge relied upon the common order passed by another co-ordinate bench of this court, in a batch of writ petitions commencing with petition in CWP 7409 of 2020, which were disposed of by order dated:30.6.2020. Admittedly while disposing

of the writ petition in CWP No.7453 of 2020, the application filed by the appellant herein in CM 4982-CWP-2020 as intervener was not considered and no orders are passed thereon.

Thereafter the present appeal in LPA No.500 of 2020 (O&M) is filed impugning the order dated: 27.7.2020, in dismissing the writ petition filed in CWP No.7453 of 2020. Along with the appeal an application is filed seeking leave to file this appeal to challenge the aforesaid order of learned Single Judge in CM-1301-LPA-2020. Another application in CM-1302-LPA-2020 for stay of order dated: 27.7.2020 passed in CWP 7453 of 2020. One more application in CM-1303-LPA-2020 under Order 41 Rule 27 R/w Sec.151 CPC for production of additional document is filed by the appellant.

Heard the learned counsel for the appellant on first of the application filed in CM-1301-LPA-2020, perused the order impugned. It is seen that, the appellant was not even a party to the proceedings before learned single judge when the writ petition in CWP 7453 of 2020 was disposed of relying upon an order passed in a batch of similar writ petitions. This would clearly indicate that, the learned single judge found no grounds to entertain the application of the appellant herein to come on record in the said proceedings as intervener. Therefore, we are of the considered opinion that in the aforesaid facts, the prayer in the present appeal does not merit consideration in as much as the appellant has not demonstrated its locus to pursue the correctness or otherwise of the order passed in a proceedings in which it is not even a party.

Hence, we are of considered opinion that, the appellant herein has not made out any grounds to consider its application in CM-

1301-LPA-2020 to permit them to pursue this appeal in challenge to the correctness or otherwise of the order of learned single judge. Hence, the same is dismissed and consequently the appeal is rejected.

However, it is observed that, dismissal of its application seeking leave does not take away its right to pursue the same by filing an independent writ petition to espouse its cause or in the alternative to seek permission to participate as intervener in an appeal filed challenging the order dated: 30.6.2020 in CWP No.7409 of 2020, if so advised. Accordingly, LPA and other remaining applications are accordingly disposed off.

(S.N. SATYANARAYANA)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

August 14 2020
Poonam Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No