

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

**Contempt of Court Petition No.3075 of 2019 (O&M)
Date of Decision: February 12, 2020**

United Association of CBSE & Haryana Board Schools

.....PETITIONER(s).

VERSUS

P.K. Das and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Praveen Gupta , Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Director, Elementary Education, Haryana issued a circular dated 18.05.2019, giving clarification on doubt of income certificate and other points regarding admission under Rule 134-A of Haryana School Education Rules 2003, amended in 2007 (hereinafter referred to as 'the Rules'), which reads as follows:-

“With reference to the above subject, you are apprised that according to CWP No.4664 of 2012, the maximum amount of income of the family of the student was fixed at Rupees Two Lakh for admission under 134-A which will also be valid for the admission of this academic year 2019-20.

1. Income Certificate of Rupees Two Lakh issued by the authorized officer of the State Govt. will be valid for the same.
2. Students seeking admission under 134-A will not

be required to appear in any screening process or test next year. This admission will be valid upto the highest class of the school.

3. Student is not bound to pay any other fees such as Capitation Fee, Development Fee, Maintenance Fee and Annual Fee.
4. Student is responsible for purchase of only National Curriculum Frame Work specified subjects and NCERT approved books (incase of CBSE schools), the pressure will not be built on him for purchase of other books.”

Learned counsel for the petitioner submits that in CWP-4664-2012, there is no reference that maximum amount of income of the family of student is fixed as ₹2,00,000/- for admission under Rule 134-A of the Rules. The respondents by issuing the aforesaid clarification had wrongly interpreted the observations in order dated 23.04.2012 passed in CWP-4664-2012.

The above submissions of learned counsel for the petitioner are without any basis. Letter dated 18.05.2019 (Annexure P-7) is a clarificatory letter to remove the doubts about the income certificate and other points regarding the admission under Rule 134-A of the Rules. District Education Authorities were apprised that as per the decision taken in CWP-4664-2012, the State had fixed a maximum amount of income of the family of a student as ₹2,00,000/- for admission under Rule 134-A of the Rules. There is no reference in the aforesaid instructions that the above observations/directions have been made by this Court in the aforesaid writ petition. The petitioners have tried to over-reach while interpreting the above clarificatory letter while seeking initiations of contempt proceedings against the respondent.

Fixing of income of ₹2,00,000/- is a decision of the Government of Haryana, which was brought to the notice of all District Education Officers, District Elementary Officers and Block Education Officers. No contempt of the order passed in CWP-4664-2012 is made out.

This petition has no merits. Dismissed.

February 12, 2020
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No