

CWP-21270-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21270-2020

Date of Decision: 10.12.2020

Ranjit Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present Mr. Kulwinder Singh Rathour, Advocate
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The son of the petitioner is a student of Vivek High School – respondent No.5. On account of financial difficulties experienced due to ongoing COVID-19 pandemic, the petitioner has not been able to pay the school fee of his son regularly. Consequently, he requested for waiver but the request has not been accepted. The school authorities are threatening to remove the name of the petitioner's son from the school rolls and have barred him from attending online classes. Thus, a representation dated 28.09.2020 (Annexure P-10) was submitted before the Chairperson, Regulatory Body, Department of Education, Punjab, which has been constituted under the Punjab Regulation of Fee of Unaided Education Institutions Act, 2016 but no action has been taken till date.

Notice of motion to respondent Nos.1 to 4 only.

Ms. Diya Sodhi, Asstt. A.G., Punjab, accepts notice on behalf

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of respondent Nos.1 to 4 and waives service. She submits that upon instructions obtained from the Regulatory Body, she has been informed that the representation dated 28.09.2020 (Annexure P-10) is not available with it.

Be that as it may, in view of the provisions of the Right of Children to Free and Compulsory Education Act, 2009, I am of the *prima facie* view that every student of elementary school has a fundamental right of education and therefore, the same cannot be denied to him/her.

Thus, the writ petition is disposed of with a direction to the Deputy Commissioner, Mohali, as Chairperson of the Regulatory Board, to treat the present writ petition as a representation and decide the same in accordance with the terms of the Right of Children to Free and Compulsory Education Act, 2009 and the Punjab Regulation of Fee of Unaided Education Institutions Act, 2016 as well as the law on the subject, within a period of four weeks from the date of receipt of certified copy of this order.

Meanwhile, the son of the petitioner shall be permitted to attend online classes.

10.12.2020

Nisha

(Sudhir Mittal)
Judge

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No