

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:- **24.01.2022**

1. Civil Writ Petition No.131 of 2022

Haryana United Schools Association and others	Petitioners
Versus	
State of Haryana and others	...Respondents

2. Civil Writ Petition No. 94 of 2022

Haryana Progressive Schools' Conference (Regd.) and others	Petitioners
Versus	
State of Haryana and others	...Respondents

3. Civil Writ Petition No. 87 of 2022

Federation of Private Schools Welfare Association	Petitioner
Versus	
State of Haryana and others	...Respondents

4. Civil Writ Petition No. 92 of 2022

Progressive Private Schools Association	Petitioner
Versus	
State of Haryana and others	...Respondents

5. Civil Writ Petition No. 332 of 2022

Faridabad Progressive Schools' Conference	Petitioner
Versus	
State of Haryana and others	...Respondents

6. Civil Writ Petition No. 17096 of 2020

NISA Education	Petitioner
Versus	
State of Haryana and others	...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Akshay Bhan, Sr. Advocate with
Mr. Rohit Nagpal, Advocate, for the petitioners in
CWP No. 131-2022.

Mr. Ashish Chopra, Sr. Advocate with
Mr. Gagandeep Singh, Advocate, for the petitioners in
CWP No. 94-2022.

Mr. Pankaj Maini, Advocate, for the petitioners in
CWP Nos. 87-2022, 92-2022 and 17096-2020.

Mr. Rajat Khanna, Advocate and
Mr. Ashutosh, Advocate, for the petitioners in
CWP No. 332-2022.

Mr. B.R.Mahajan, Advocate General, Haryana with
Mr. Deepak Balyan, Addl. Advocate General, Haryana
for the respondent-State of Haryana.

Mr. K.K.Gupta, Advocate, for Haryana School Education
Board.

(The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

Today learned Advocate General appearing for the respondent-State of Haryana has placed on record certain documents pursuant to the direction issued by this Court on the last occasion for taking a decision in respect of the issue involved in the petitions relating to and concerning Sections 2(f) and 30 of the Right of Children to Free and Compulsory Education Act, 2009.

Learned Advocate General, Haryana submits that the respondent-authorities have now withdrawn the power and authority given to the Haryana School Education Board to conduct any board examinations of 5th and 8th classes and therefore, no board examinations shall be conducted by the Board concerned in view of the decision taken by the State Government. He further points out that the authorities have now issued a notification on 18.01.2022 in the Haryana Government Gazette

Extraordinary whereby Haryana Right of Children to Free and Compulsory Education (Amendment) Rules, 2022, have been notified and certain amendments have been made in the Rules to rectify the issues raised by the petitioners. He submits that pursuant thereto, the respondent-authorities have now issued a notification dated 21.12.2021, wherein the State Council of Education Research Training (SCERT), Gurugram has been notified as an '*Academic Authority*' and regular examinations would be held in accordance with the amendments made in Section 16 of the Right of Children to Free and Compulsory Education Act, 2009. He, therefore, submits that nothing further survives for adjudication in the present petitions.

Learned counsel appearing for the Haryana School Education Board, on the basis of the documents produced by the learned Advocate General, Haryana, makes a statement that the Board is now out of the picture and shall not act upon on any of the impugned letters or directions issued by the authorities to the Board.

Mr. Akshay Bhan, learned senior counsel appearing for the petitioners submits that though the respondent-State of Haryana has made amendments in the Act of 2009, withdrawn the letters and authorities/powers of the Haryana School Education Board to conduct the board examinations of the classes in question, the State of Haryana has now developed a new mechanism to circumvent/amend the provisions of Section 30 of the Act of 2009 by getting the examinations conducted through the State Council of Education Research Training (SCERT), Gurugram, naming them to be regular examinations. He, therefore, prays for grant of liberty to challenge the amendments made by the State of Haryana and the notifications issued in that regard.

In view of the aforesaid facts and circumstances, as the present petitions are confined only to the impugned orders/letters issued by the respondent-Haryana School Education Board and as the same do not survive in view of the statements made by the learned Advocate General, Haryana and the learned counsel for the Board and as the authorities of the State of Haryana as well as the Haryana School Education Board have now withdrawn the impugned orders/letters to conduct the board examinations of classes 5th and 8th, all these petitions are disposed of with liberty to the petitioners to file fresh petitions, if so advised and challenge the subsequent steps taken by the respondent-authorities.

It is further directed that the documents that have been placed on record today by the learned Advocate General, Haryana before this Court, are taken on record as Mark-X (colly).

With the above observations, all the petitions stand disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.01.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No