

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

Sr. No.237

Civil Writ Petition No.7463 of 2022

Date of Decision : August 25, 2022

Gulshan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Dr. Anand Kumar Bishnoi, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana,
for respondents No.1 to 3.

Mr. Ashish Chopra, Senior Advocate with
Ms. Meher Nagpal, Advocate, for respondent No.4.

SUDHIR MITTAL, J. (ORAL)

The daughters of the petitioner had submitted applications for admission to private unaided schools under Rule 134-A of the Haryana School Education Rules, 2003 (hereinafter referred to as the Rules) pursuant to Schedule for the purpose circulated by the Director Elementary Education, Haryana vide memo dated 08.10.2021. The process was initiated for the academic session 2021-22. The children were successful and scored 71.67% and 98% marks respectively and were allotted Modern Vidya Niketan Senior Secondary School, Sector 17, Faridabad (respondent No.4). However, despite repeated attempts, the children were not granted admission by the School. Thus, representation dated 20.12.2021 followed by reminder dated 30.12.2021 were submitted before respondent No.3.

Similar representations dated 03.01.2022 and 04.01.2022 were also made but without any result. Thus, the writ petition was filed.

Learned State counsel has submitted that Rule 134-A of the Rules has since been withdrawn vide Notification dated 28.03.2022 and thus, the writ petition has been rendered infructuous.

Learned Senior Counsel for respondent No.4 submits that memo. dated 08.10.2021 was challenged vide CWP No.22164 of 2021 wherein interim order dated 01.11.2021 was passed restraining taking of coercive steps against the members of the petitioners therein. For this reason, admission was denied. The said writ petition was rendered infructuous vide order dated 18.07.2022 on account of issuance of Notification dated 28.03.2022. It is further submitted that the children of the petitioner were studying in Classes 7 & 9 in Government schools at the time when they sought admission under Rule 134-A of the Rules. They would only have been shifted to a private unaided school by virtue of Rule 134-A of the Rules. The said Rule having been withdrawn, the academic interests of the children of the petitioner has not been adversely affected. Only difference is that they continued to study in Government Schools. Academic Session 2021-22 is over and at this stage, no relief can be granted.

From the above, it is evident that the children of the petitioner sought transfer to a private unaided school under Rule 134-A of the Rules. At that point in time, they were studying in Classes 7 & 9 respectively. The record shows that the last date for admission was 24.12.2021 and the academic session for which the admission was being made was 2021-22.

In December, 2021, the said academic session was nearing completion and at that stage, transfer of the children of the petitioner to a private unaided school would not have been in their academic interests. Presently, Rule 134-A of the Rules has been withdrawn, thus, the writ petition has been rendered infructuous.

Disposed of as having been rendered infructuous.

August 25, 2022

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No