

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

Sr. No.121

**CM Nos.9294 & 9295-CWP-2022 in/and  
Civil Writ Petition No.10510 of 2022  
Date of Decision : July 04, 2022**

Haryana Private School & Children Welfare Trust

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Pankaj Maini, Advocate, for the petitioner.

Mr. Samarth Sagar, Addl. A.G., Haryana.

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**SUDHIR MITTAL, J. (ORAL)**

**CM-9294-CWP-2022**

This application has been filed for placing on record Annexures  
P-6 to P-10.

For the reasons stated in the application, the same is allowed.  
Annexures aforementioned are taken on record.

**CM-9295-CWP-2022**

Allowed as prayed for. Main case is taken on board.

**CWP-10510-2022**

The members of the petitioner are schools established after  
30.04.2003 and prior to 31.03.2007. They wish to be treated at par with  
schools established prior to 30.04.2003.

2. In support of his argument, learned counsel for the petitioner  
has referred to communication dated 06.04.2007 issued by the State of  
Haryana. The same is reproduced below for ready reference:-

***“16. Demands of private schools running in the State for further relaxation and clarification regarding amended Haryana School Education Rules, 2003.***

*(copy of E.D. Hr. No.8/9-2007 PS (3) dt. 06.04.07)*

*Kindly refer to the above mentioned subject.*

*I am directed to say that the Government of Haryana has decided to grant relaxation in various norms prescribed for private schools under the amended Haryana School Education Rules, 2003 keeping in view the interests and needs of private schools. It has been decided as follows:*

***1. Permanently Recognized Schools:***

*All those schools that were permanently recognized before 30<sup>th</sup> April 2003 will not have to seek any fresh recognition or NOC from the Education Department as provided under rule 38. They will, however, have to submit returns regarding their land and building in an amended form II for record purposes.*

***2. Definition of Existing Schools:***

*The benefit of relaxed rules/norms for existing schools, which was earlier granted for existing schools before 30<sup>th</sup> April, 2003 is now extended to schools existing upto 31.03.2007. The categories of such schools are given below:*

- i. The schools temporarily recognized by Education Department or temporarily affiliated with Haryana*

*Board of School Education, Bhiwani till 31<sup>st</sup> March, 2007.*

- ii. *Un-recognized schools who provide proof of their being in operation for a period of last four years (upto 31.03.2007) by documents such as Electricity Bills, Water Bills, Telephone Bills, records of establishment of school, as private candidates in public examination, admission forms and withdrawal register, enrollment forms, ownership or lease records of school land, proof of internal examination, income tax documents and registration deed of societies under the Societies Registration Act. The category of un-recognized schools would be given relaxation only upto class 8<sup>th</sup>. These documents should pertain to the last 4 years. They should prove to the District Education Officer that the concerned unrecognized school was in existence and doing academic work since the last 4 years.”*

3. According to the learned counsel for the petitioner, the benefit of relaxed rules/norms was extended upto 31.03.2007. The Members of the petitioner having been established before 31.03.2007 are thus, identically situated as schools established prior to 30.04.2003.

4. The argument cannot be accepted for the simple reason that before issuance of letter dated 06.04.2007, the Haryana School Education Rules, 2003 had come into force. The various infrastructural requirements

for setting up schools had been modified and schools established after coming into force of the said Rules were well aware of the infrastructural requirements. They were granted certain relaxation upto 31.03.2007 but the same does not place them at par with schools established before 30.04.2003.

The writ petition has no merit and is dismissed.

July 04, 2022  
*Ankur*

(SUDHIR MITTAL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |