

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

CWP-11452-2022 (O&M)
Date of decision:- 25.05.2022

Jasbir Rawat

...Petitioner(s)

Versus

The State of Haryana and others

...Respondent(s)

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

Present: Mr. Abhinav Aggarwal, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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RAVI SHANKER JHA, C.J. (ORAL)

This writ petition has been filed by the petitioner praying for a direction to the respondent-authorities to take necessary and appropriate steps against respondent No. 9 for running and granting admissions in its un-recognized classes from I to XII.

It is stated that respondent No. 9 – school in question has granted admissions to children in classes I to XII that have not been approved and recognized by the respondent-authorities and has now forced the petitioner's children to leave it, but is not issuing School Leaving Certificate (SLC) to enable them to obtain admission elsewhere.

From a perusal of the provisions of law, specifically, Rule 13 of the Haryana Right of Children to Free and Compulsory Education Rules, 2011, the competent authority prescribed for looking into such violations and complaints is the District Elementary Education Officer as regards Classes I to VIII and the District Education Officer in respect of the classes above VIII.

From a perusal of the writ petition, it is evident that the petitioner has not filed any such complaint before the competent authority, though he has filed a complaint dated 25.04.2022 (Annexure P-8) before the Director School Education, Haryana as well as a complaint dated 29.04.2022 (Annexure P-9) before the Additional Chief Secretary, Department of School Education, Haryana.

In the circumstances, the petitioner is required to approach the aforesaid authorities prescribed under the law, specifically, Rule 13 of the 2011 Rules (ibid).

Mr. Deepak Balyan, learned State counsel, on instructions from Mr. Virender Singh, Assistant Director, Elementary Education, Haryana, submits that in case such a complaint is filed, the authorities concerned would take it up and decide it at the earliest, preferably within a period of four weeks from the date of filing the same or in case it is already filed within four weeks from today.

With the aforesaid observations and taking the statement made by learned State counsel on record, the writ petition stands disposed of granting liberty to the petitioner to approach the authorities concerned.

It is clarified that in case the petitioner files or has already filed the complaint before the authorities concerned, the same would be taken up and decided by them expeditiously in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.05.2022
Amodh

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