

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

Sr. No.106

**Civil Writ Petition No.16575 of 2022
Date of Decision : September 02, 2022**

Monika and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate and
Mr. Inderpal Singh, Advocate,
for the petitioners.

Mr. Samarth Sagar, Addl. A.G., Haryana,
for respondents No.1 to 6.

Mr. Sant Kashyap, Advocate,
for respondent No.7.

SUDHIR MITTAL, J. (ORAL)

An incident of assault took place in respondent No.7-school on 18.05.2022 in which the children of the petitioners have been named as the aggressors. FIR was thus registered on 19.05.2022 under Sections 147, 149, 323 & 506 IPC. The incident of assault was captured in the CCTV recordings of the school as well as by the assailants and other students. The images/videos were circulated on the social media leading to registration of another FIR dated 26.05.2022 under Section 67 of the Information & Technology (Amendment) Act, 2008 and Section 500 IPC against unknown persons. The children of the petitioners were subsequently suspended. The petitioners submitted affidavits dated 15.07.2022 before the school

authorities stating that they wanted their children's admission to continue and that they took responsibility for their future actions. In case, the incident was repeated, the school may suspend them or cancel their admission. On 17.07.2022, respondent No.8 sent an email to respondent No.7 stating that the children of the petitioners may not be permitted to join the school after the vacation as they had threatened to attack his son on social media. On 19.07.2022, the children of the petitioners were rusticated. Thus, the present writ petition has been filed.

Vide order dated 01.08.2022, the petitioners were directed to approach the District Education Officer, Rohtak in the first instance and the learned State counsel was directed to instruct him to explore the possibility of a settlement.

Today, report dated 01.09.2022 of the District Education Officer, Rohtak has been submitted in Court. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioners.

On the basis of the aforementioned report as well as oral instructions from Sh. Virender Kumar Malik, District Education Officer, Rohtak, learned Additional Advocate General, Haryana submits that attempts to reach a settlement have failed. On a particular day, the Deputy District Education Officer was sent to the school to hold conciliation proceedings. The petitioners came present along with a huge crowd of 20-30 people and tried to pressurize the Deputy District Education Officer to prevail upon the school management to take a decision to the liking of the petitioners. Further, it has been submitted that the school has offered admission to the children of the petitioners in another branch of the school.

They have been registered for the forthcoming examination in anticipation and to safeguard their academic interests. Son of petitioner No.1 namely Vishvender Dhall was suspended on an earlier occasion also i.e. 24.11.2021 on account of similar allegations and at that stage too the parents had undertaken to take responsibility for his future actions. Examination of the mobile phones of the children of the petitioners and their associates shows that they had circulated messages on social media that the incident may be repeated again. Under the circumstances, the school management is not inclined to reinstate the children of the petitioners. An atmosphere of fear has been created by the children of the petitioners in the school.

Learned Senior Counsel for the petitioners submits that respondent No.8 is the stumbling block. Being an Officer on Special Duty in the Government of Haryana, he is pressurizing the school management. The report of the District Education Officer, Rohtak also shows that he did not participate in the conciliation proceedings and he is adamant to keep the children of the petitioners out of school. On an earlier occasion, the petitioners submitted an apology before the said respondent and even offered to touch his feet but he rejected their apology in anger. A specific averment to this effect has been made in the writ petition. In fact, the children of the petitioners have been wrongly portrayed as the aggressors. The son of respondent No.8, according to the contents of the FIR itself came into the classroom to protect a student who was allegedly being beaten up and got involved in the fracas. Keeping in view the academic interests of the children of the petitioners, the order of rustication may be quashed.

From the above narration, it is evident that according to the learned Additional Advocate General, the son of respondent No.8 has received a serious injury on the back of the head resulting in stitches. The son of petitioner No.1 was earlier also suspended on account of a similar act. The petitioners are attempting to browbeat the school management by show of strength. These findings are being returned as the State is an impersonal entity, not involved in the incident and submissions made by it are entitled to weightage. The school management is accordingly justified in refusing to reinstate the children of the petitioners. The submission that respondent No.8 being an Officer on Special Duty in the Government of Haryana is influencing the school authorities, is rejected. Being a father, he too is entitled to look after the interests and welfare of his child and the fact that he is an Officer on Special Duty in the Government of Haryana cannot be taken against him. The school has already offered to transfer the children of the petitioners to another branch and has registered them for the forthcoming examination also and thus, academic interests have been adequately safeguarded.

The writ petition has no merit and is dismissed. It is, however, made clear that nothing mentioned hereinabove regarding the criminal case shall be construed as an opinion on the merits of the case.

September 02, 2022

Ankur Goyal

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned Yes

Whether Reportable Yes