

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-1053-2023

Date of decision : 09.02.2023

Shabnam through her natural guardian/mother Smt.Ramjano and others

... Petitioners

Versus

ICICI Home Finance Co. Ltd. and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.N.R.Dahia, Advocate for the petitioners.

Mr.Vijiyesh Malhotra, Advocate
for respondent no.1.

Mr.R.D.Sharma, DAG, Haryana
for respondents no.2 and 3.

Mr.Ajay Pathak, Advocate
for respondent no.5.

Mr.Beant Singh Seemer, Advocate
for respondent no.6-CBSE.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus for directing respondents no.1 to 3 to open G R Senior Secondary School Gujrani and to allow it function normally for the balance of academic year 2022-23.

On 31.01.2023, this Court was pleased to pass the following order:-

“Written statement has been filed on behalf of respondent

No.5 today in the Court and the same is taken on record. A copy

thereof has been supplied to learned counsel for the petitioners.

As per the report of the Registry, notice issued to respondent No.4 has not been received back served or otherwise.

Learned counsel for the petitioners has submitted that since respondent No.4 is not a contesting party, thus, he need not be served for the time being.

Learned counsel appearing for respondent No.6-CBSE has fairly stated that a meeting had taken place on 30.01.2023 and in the said meeting and the fact that respondent No.5/school has been sealed as per the order of District Magistrate, Bhiwani and thus, the candidates of the school could not give the practical examination of the Board, was taken into consideration and respondent No.6-Board, vide letter dated 30.01.2023 written to the Principal of respondent No.5/school, stated that the date of the practical will be intimated shortly and that the said practical would be conducted at Delhi Public School, Loharu Road, Bhiwani.

Learned counsel for respondent No.6 has further submitted that all possible efforts would be made to adjust the petitioners who are to appear for the board exams of 10th and 10+2 and regarding the same, he prays for an adjournment to get instructions in the matter.

Learned counsel for the petitioners has submitted that petitioners No.8 to 15 are students who are studying in classes varying from Class I to Class IX and in case they have to leave the school, then, there is need for no objection certificates/transfer certificates.

Learned counsel for respondent No.5/school has submitted that they are ready to give the students the said no objection certificates/transfer certificates, but the record of the said school is

in possession of the Bank i.e., respondent No.1.

Learned counsel appearing on behalf of respondent No.1-Bank has submitted that the record of the school would be handed over by respondent No.1-Bank to respondent No.5/school after keeping a photocopy of the same, within a period of one week from today.

Learned counsel for respondent No.5 has submitted that on the receipt of the said record, no objection certificates/transfer certificates would be issued to petitioners No.8 to 15 within a period of one week thereafter.

Adjourned to 09.02.2023.

To be taken up at 3.00 PM.

January 31, 2023”

Learned counsel appearing for respondent no.6-CBSE has filed short reply on behalf of respondent no.6 and in paragraph 3 of the said reply, it has been stated that the CBSE is conducting the Board exams for students of Class X and XII and in view of the fact that the school stands closed already and further to save the precious year of the students, the practical examinations of the petitioners, who are studying in X and XII, were rescheduled and were conducted from 02.02.2023 to 06.02.2023 and the written examination of the students of the said school is starting from 15.02.2023 and the roll numbers have already been issued and the centre of examination has also been allocated.

Learned counsel appearing for respondent no.1-bank has submitted that in pursuance of the said order, the bank had allowed the Principal of the school in the presence of the Sarpanch and other respectables of the area to inspect the whole school and had also permitted

school alongwith other officials have taken the said record as well as the computers.

Learned counsel for the petitioners has submitted that at present, the claim of the petitioners has been addressed and as far as the NOC is concerned, he would get in touch with the officials of the school for issuance of the same. Learned counsel for the petitioners has submitted that in view of the same, the present petition be disposed of as having been rendered infructuous.

In view of the above, the present petition is disposed of as having been rendered infructuous.

(VIKAS BAHL)
JUDGE

February 09, 2023
Davinder Kumar

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