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

CWP-1883-2023

Date of decision : 06.02.2023

Bikramjit Singh and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aman Bansal, Advocate and
Ms. Anjali Bansal, Advocate for the petitioners.

Mr. Anil Chawla, Advocate for respondent No.1-UOI.

Mr. M.K. Dogra, Advocate for respondent No.2.

Ms. Deepanshu Gupta, Advocate for respondent Nos.3 and 4.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 for registration of the petitioners/students in order to enable them to take the 10th/Matric Final Semester Examination (Petitioner No.1 to 15) and 10+2 Final Semester Examination (Petitioner No.16 to 23) scheduled to commence from 27.02.2023 and 13.02.2023 respectively. Other prayers have also been made in the present Civil Writ Petition.

On 31.01.2023, this Court had passed the following order:-

“Learned counsel for the petitioners has submitted that the petitioners have been studying in a school prior to the de-affiliation dated 19.05.2022 and petitioners No.1 to 15 have to appear for the Class 10th final examinations and petitioners No.16 to 23 have to appear for Class 10+2 final examinations which are to commence from 27.02.2023 and 13.02.2023, respectively and has submitted that a direction be issued to respondent No.2 to permit the said students to shift the petitioners to some other affiliated school so as to enable them to appear for 10th and 12th class exams which is to be conducted by the Board. Learned counsel for the petitioners has relied upon the orders passed by a Co-ordinate Benches of this Court dated 21.01.2019 in CWP-23261-2017 as well as dated 05.08.2022 in CWP-22916-2021, to contend that in a similar situation with respect to the same school, the Board has shifted the students to another school.

Learned counsel appearing on behalf of respondent No.2 prays for an adjournment to get instructions in the matter

It would be open to learned counsel for respondent No.2 as well as learned counsels appearing for the other respondents to come up with suggestions so as to avoid the students to get admitted in the respondents No.3 and 4/schools till the time the order of de-affiliation is in operation.

Adjourned to 06.02.2023.

To be taken up at 2.30 PM.”

Short reply on behalf of respondent No.2 has been filed today in the Court which is taken on record.

Learned counsel for respondent No.2 has submitted that as far as respondent No.3-Society is concerned, the same was dissolved on 26.03.2017 and intimation regarding the same was given to the Registrar of Societies as well as to the office of respondent No.2 with a

request to withdraw the affiliation of respondent No.4-school which was being run by respondent No.3-Society. A show cause notice was issued and thereafter, vide order dated 23.03.2021, affiliation of respondent No.4-School run by the Society was temporarily suspended. It is further submitted that vide order dated 19.05.2022, respondent No.4-Alpine Public School has been permanently disaffiliated and thus, the question of any students studying in the said school does not arise

Learned counsel for the petitioners has submitted that the petitioners are students who are studying in the school prior to initiation of any proceedings culminating into disaffiliation of respondent No.4-School and has prayed that even, in case, the petitioners cannot be permitted to be studying in respondent No.4-School, still, respondent No.2-Board can register the petitioners through some other affiliated school for the purpose of facilitating them for appearing in 10th and 12th examinations which are commencing from 27.02.2023 and 13.02.2023 respectively and has submitted that in the said process, the order of disaffiliation would not stand violated in any manner. Learned counsel for the petitioners has relied upon the order passed by Co-ordinate Bench of this Court dated 21.01.2019 in CWP-23261-2017 as well as order dated 18.11.2021 in CWP-22916-2021 in support of his arguments.

Keeping in view the abovesaid facts and circumstances and also the future of the petitioners who have been studying in the school much prior to the disaffiliation of respondent No.4-School, respondent No.2-Board is directed to register the petitioners through some other affiliated school for facilitating the petitioners for taking their 10th and 12th

examinations which are commencing from 27.02.2023 and 13.02.2023, respectively.

Respondent No.4-School is directed to give all the details pertaining to the petitioners to respondent No.2-Board so as to facilitate respondent No.2-Board to register the petitioners for the forthcoming examinations. Respondent No.4 is directed to give the said details by 7th February, 2023 till 03:00 pm.

Learned counsel for respondent No.2 has pointed out that for granting registration of the students, the requisite charges are to be paid.

The petitioners will coordinate with respondent No.4 so as to ascertain the requisite charges and to forward the same to respondent No.2-Board till 07.02.2023.

Respondent No.4 is also directed to mention the details about the disaffiliation of the school vide order dated 19.05.2022 on the notice board of the school and also to individually inform every student and their parents who are still studying in the school about the disaffiliation order vide e-mail or through any other mode available with them.

With the abovesaid observations, the present Civil Writ Petition is disposed of.

06.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No