

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(277)

CWP-1634-2023

Date of decision: - 02.02.2023

Harender Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Manoj Tanwar, Advocate, for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Laxman Choudhary, Advocate, for respondent No.2.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Article 226 of the Constitution of India for the issuance of an appropriate writ in the nature of certiorari for setting aside the order/letter dated 17.10.2022 (Annexure P-3) passed by respondent No.2 vide which the names of the wards of the petitioner have been struck off from the school for non-payment of fees.

Learned counsel for the petitioner has submitted that the petitioner is a poor person and the fees stated to be pending is of Rs.3,73,300/-. It is further submitted that the said fees is highly exorbitant and prayed that he be permitted to pay an amount of Rs.1,00,000/- instead, within a period of one month from today. It is also submitted that the children of the petitioner have been permitted to give the practical exams, thus, on the said aspect the present writ petition has been rendered infructuous.

Learned counsel for respondent No.2 has submitted that apart from Rs.1,00,000/-, the petitioner be directed to pay some more amount so that the matter can be finally resolved.

Learned counsel for the petitioner in rebuttal has submitted that the petitioner would pay additional amount of Rs.50,000/- within a period of 8 months from today.

Learned counsel respondent No.2 has submitted that as an exceptional case, the respondent No.2 is ready to settle the matter as per the statement made by the counsel for the petitioner on account of financial condition of the petitioner and the same should not be taken as a precedent.

Keeping in view the above-said facts and circumstances, the present writ petition is disposed of in the following terms: -

- (i) Petitioner shall pay an amount of Rs.1,00,000/- to respondent No.2 within a period of one month from today.
- (ii) Petitioner would further pay an amount of Rs.50,000/- within a period of 8 months from today.
- (iii) On the payment of the aforesaid two amounts, the amount which as per respondent No.2 is stated to be outstanding to the tune of Rs.3,73,300/-, shall stand settled.
- (iv) The wards of the petitioner shall be permitted to give their practical and final exams and shall not be debarred on the ground that their complete fees has not been paid.
- (v) The present order would not be treated as a precedent as a part of fee due has been forgone by the respondent No.2 as a

gesture of goodwill considering the exceptional circumstances.

In case the petitioner does not comply with the aforesaid terms of payment, within the stipulated schedule, it would be open to respondent No.2 to initiate proceedings against the petitioner for violation of the undertaking given by him.

February 02, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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