

129

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

CWP-1840-2023

Date of decision : 31.01.2023

Baba Jodh Sachiar Public School

...Petitioner

Versus

The Secretary Secondary Education Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Som Nath Saini, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 01.07.2022 passed by respondent No.2 whereby the recognition of the petitioner school has been ordered to be withdrawn with immediate effect and respondent No.3 has been directed to shift the students to the Government Schools nearby.

Learned counsel for the petitioner has submitted that against the order dated 01.07.2022, the petitioner had filed an appeal dated 11.07.2022 and the said appeal was first listed on 19.07.2022 although, no hearing took place on the said date as the Presiding Officer was not holding Court and also thereafter, on 08.08.2022, 19.09.2022, 25.11.2022 and 19.12.2022, no hearing had taken place as the Presiding Officer was not holding Court. It is further

submitted that no further date has been given in the said case.

Learned counsel for the petitioner has stated that the petitioner would be satisfied in case, respondent No.1 is directed to consider the appeal along with the application for stay for preliminary hearing within a period of 10 days from the date of receipt of certified copy of the present order and to pass an appropriate order on the same, in accordance with law.

Learned State counsel, who has appeared on behalf of respondent Nos.1 to 3, has submitted that in case, the said appeal has been filed then the same would be decided expeditiously in accordance with law and the same would be taken up for preliminary hearing within a period of 10 days from today.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.1 to consider the appeal dated 11.07.2022 filed by the petitioner against the order dated 01.07.2022 along with the application for stay for preliminary hearing within a period of 10 days from today and after considering the appeal and the application for stay, pass an appropriate order, in accordance with law, on the same.

It is made clear that this Court has not opined on the merits of the case and respondent No.1 would consider the appeal and application for stay independently, in accordance with law.

31.01.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No