

CWP-3196-2021

1

2023:PHHC:124634

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3196-2021

Date of decision : 21.09.2023

M.M.Khan

... Petitioner

Versus

U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Gurneet Sagoo Advocate and
Mr.Karan Dev Sharma, Advocate
for the petitioner.

Mr.Ankush Sharma, Advocate for
Mr.M.K. Dogra, Advocate
for respondents no.1 to 4.

Mr.Abhay Kumar Sharma, Advocate
for respondent no.5.

Mr.Kannan Malik, Advocate
for respondent no.6.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari against the respondent no.5 for removing the children of the petitioner from school and not allowing the children of the petitioner to sit for their school examination.

2. During the course of arguments, a consensus has been arrived at between the learned counsel for the petitioner and respondent no.5, who are the main contesting parties in the case and it is submitted by learned counsel for respondent no.5 that in case the petitioner visits the respondent no.5-school on a particular date, then they would issue the transfer

certificate w.e.f. 31.03.2022, the date when the names of the children of the petitioner were struck down from the roll of the school, to the petitioner and would also hand over all the documents of the two children of the petitioner, who were previously studying in the respondent no.5-school. It is submitted that the same would be done without seeking any fee/expense.

3. Learned counsel for the petitioner has submitted that the petition be disposed of in the said terms but liberty be granted to the petitioner to file a suit for recovery of money, which, as per the case of the petitioner, is due to her.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with the following directions:-

i) The petitioner would visit the respondent no.5-school on 27.09.2023 at 11:00 AM and the respondent no.5-school would issue transfer certificate of the children of the petitioner w.e.f. 31.03.2022 i.e., the date when the names of the children of the petitioner were struck down from the roll of the school and would hand over the said certificate to the petitioner along with the other documents of the children of the petitioner which are in the possession of the school.

ii) It would be open to the petitioner, if so advised, to file a civil suit for recovery and in the said civil suit, the respondent no.5 and all the other parties would be at liberty to raise all the pleas which are available to them in law and if the said suit is filed, the same would be considered independently and decided on the pleas and evidence led before the civil Court.

5. It is made clear that this Court has not opined on the merits of the said suit.

(VIKAS BAHL)
JUDGE

September 21, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No