

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(258 + 265 + 272)

1. CWP-4524-2022
Haryana Schools Welfare AssociationPetitioner
Versus
State of Haryana and othersRespondents
2. CWP-5943-2022
Ballabgarh Private Schools AssociationPetitioner
Versus
State of Haryana and othersRespondents
3. CWP-6784-2022
Sarva Haryana Private School TrustPetitioner
Versus
State of Haryana and othersRespondents
4. CWP-7957-2022
Happy Model Senior Secondary School and OthersPetitioners
Versus
State of Haryana and othersRespondents
5. CWP-7915-2022 (O&M)
Sarva Haryana Private School TrustPetitioner
Versus
State of Haryana and othersRespondents
6. CWP-8658-2021 (O&M)
Sarv Vidyalya Sangh Haryana Regd.Petitioner
Versus
State of Haryana and othersRespondents

7. CWP-13477-2015 (O&M)

Nar Singh Dass Memorial Education SocietyPetitioner

Versus

State of Haryana and othersRespondents

8. CWP-8134-2022

Greenfield High SchoolPetitioner

Versus

State of Haryana and othersRespondents

9. CWP-8138-2022

Wadhawan Educational Society and OthersPetitioners

Versus

State of Haryana and anotherRespondents

10. CWP-9378-2022

New S.D. High School and Ors.Petitioners

Versus

State of Haryana and othersRespondents

11. CWP-9647-2022

Haryana Private School and College Welfare TrustPetitioner

Versus

State of Haryana and othersRespondents

12. CWP-13092-2022

Ballabgarh Pvt. Schools Association (Regd.)Petitioner

Versus

State of Haryana and othersRespondents

13. CWP-16876-2022

New Tagore Modern High School and AnotherPetitioners

Versus

State of Haryana and othersRespondents

14. CWP-9269-2022 (O&M)

Vidya Bharti High School, Bhiwani and OthersPetitioners

Versus

State of Haryana and othersRespondents

15. CWP-21756-2022

Sarva Haryana Private School TrustPetitioner

Versus

State of Haryana and othersRespondents

16. CWP-15812-2022

S.V.M. Primary School and Anr.Petitioners

Versus

State of Haryana and othersRespondents

17. CWP-24556-2022

Nisa EducationPetitioner

Versus

State of Haryana and othersRespondents

18. CWP-26827-2022

Sarva Haryana Pvt. School TrustPetitioner

Versus

State of Haryana and othersRespondents

19.

CWP-27687-2022

Ballabgarh Private Schools Association (Regd.)

....Petitioner

Versus

State of Haryana and others

.....Respondents

20.

CWP-29846-2022

Nisa Education

....Petitioner

Versus

State of Haryana and others

.....Respondents

21.

CWP-29211-2022

Sarva Haryana Private School Trust

....Petitioner

Versus

State of Haryana and others

.....Respondents

22.

CWP-26402-2018

R K Senior Secondary School and others

....Petitioner

Versus

State of Haryana and others

.....Respondents

23.

CWP-10143-2019

Bal Vikas Shiksha Samiti

....Petitioner

Versus

State of Haryana and others

.....Respondents

24.

CWP-21542-2019

D.P Public School and Ors.

....Petitioners

Versus

State of Haryana and others

.....Respondents

25.

CWP-10158-2020

Baba Uddel Dev High School

....Petitioner

Versus

State of Haryana and others

.....Respondents

26.

CWP-30360-2022

Haryana Private School & Children Welfare Trust

....Petitioner

Versus

The State of Haryana and others

.....Respondents

Date of decision: - 21.02.2023

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Puneet Bali, Senior Advocate
with Mr. Vibhav Jain, Advocate;
Mr. Rahul Sharma-1, Advocate;
Mr. P.S. Jammu, Advocate;
Mr. S.K. Verma, Advocate;
Mr. Aditya Sheoran, Advocate and
Ms. Arushi Lamba, Advocate;
Mr. Mukesh Kumar Sharma, Advocate;
Mr. Rajiv Kumar Saini, Advocate;
Mr. Aditya Bhushan, Advocate;
Mr. Rohit Johar, Advocate
for Mr. Sandeep Sharma, Advocate; and
Mr. Pankaj Maini, Advocate, for the petitioner(s)

Ms. Upasana Dhawan, AAG, Haryana
and Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. K.K. Gupta, Advocate, for respondent-Board.

VIKAS BAHL, J. (ORAL)

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

*“The present petitions are a bunch of writ petitions, in which,
the issue is the same, inasmuch as, the petitioners' schools have*

challenged the letters/orders whereby they have been debarred from admitting students in classes for which the schools only had “temporary recognition”.

Learned counsel for the petitioners are ad idem that CWP-4524-2022 should be treated as the lead case.

Learned counsel appearing on behalf of respondents No.1 to 4-State has submitted that a reply has already filed in CWP-4524-2022 and the reply filed in the said case, be adopted as the reply filed by the State in the other cases also. It is stated that in case any request of supply of a copy of the said reply is made by any of the counsels appearing in any of the matters, the copy of the same would be supplied to learned counsel for the petitioners.

Pleadings in CWP-4524-2022, which is treated as the lead case, are complete.

Adjourned to 21.02.2023 for arguments.

To be taken up at 2.45 PM.

It is made clear that no further adjournment would be granted in the present matters.

A photocopy of this order be placed on the files of connected cases.

(VIKAS BAHL)
JUDGE”

January 31, 2023

2. Since the primary issue involved in all the above-mentioned writ petitions is the same, thus, with the consent of the parties it was decided that CWP-4524-2022 be taken up as the lead case and accordingly, the facts are being noticed from the said writ petition.

3. This writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of certiorari quashing the impugned letter dated 24.01.2022 (Annexure P-9) whereby the member schools of the petitioner-association have been barred from admitting students in classes for which the member schools of the petitioner association have only “Temporary Recognition”.

4. A perusal of the impugned letter dated 24.01.2022 (Annexure P-9) would show that temporary recognition had been granted to the non-government schools for the session 2021-2022 on certain conditions. It is the said letter, which has been challenged in the present petition.

5. Learned State counsel(s), at the very outset, have brought to the notice of this Court a letter dated 25.01.2023, which is taken on record and has been marked as “Mark A”, issued by the Directorate of School Education, vide which the extension of provisional/temporary affiliation to private schools for the academic session 2022-2023 has been granted for one year by imposing certain conditions. Learned State counsels have submitted that in view of the fresh instructions, the present writ petitions have been rendered infructuous.

6. Learned Senior counsel as well as learned counsel for the petitioners have jointly submitted that although, the extension of provisional/temporary affiliation has been granted for a period of one year, vide letter dated 25.01.2023, but the same has been granted on certain conditions and have further submitted that a reading of the amended Rule 38 of the Haryana School Education Rules, 2003, as per the understanding of the petitioners, would apply in both the situations, where the school is temporarily recognized as well as where the school is permanently recognized and in view of the said provisions, the petitioner schools do not require any fresh recognition, irrespective of the fact as to whether they have temporary recognition or permanent recognition.

7. Learned State counsels have opposed the said interpretation of the said rule put forward by the learned Senior counsel as well as

learned counsel for the petitioners.

8. Learned Senior counsel as well as learned counsels for the petitioner(s) have submitted that in view of the subsequent letter dated 25.01.2023, they be permitted to withdraw the present writ petitions with liberty to file fresh writ petitions challenging the letter dated 25.01.2023, if so advised, and liberty be granted to the petitioners to raise all pleas which have been raised in the present writ petitions and are available to them in law, in the fresh writ petitions, sought to be filed.

9. In view of the above, the present writ petitions are dismissed as withdrawn, with the aforesaid liberty.

10. It is made clear that this Court has not opined on the merits of the present cases and in case, any such petitions are filed, then the pleas of both the concerned parties would be considered independently, in accordance with law.

11. Pending application(s), if any, stand disposed of in view of the above-said order.

February 21, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No