

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116)

CWP-4917-2023

Date of decision: - 14.03.2023

St. Soldier Educational Society (Regd.) and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sameer Sachdeva, Advocate
for the petitioners.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of an appropriate writ in the nature of mandamus directing the respondents to grant permanent recognition in lieu of Provisional Recognition granted and for issuance of a Certificate of Permanent Recognition in view of the judgment of the Co-ordinate Bench of this Court in case CWP-12389-2021 dated 02.11.2021 (Annexure P-7).

Learned counsel for the petitioner has submitted that regarding the grievance raised by the petitioner, the petitioner has given a legal notice dated 15.12.2022 (Annexure P-8), in which, a reference has been made to the judgment of the Co-ordinate Bench of this Court passed in CWP-12389-2021 dated 02.11.2021 (P-7). It has also been stated in

the said legal notice that no LPA or SLP against the said judgment has been filed and further details have been given that the case of the present petitioners is on a similar footing as that of the petitioner (therein) . It has further been stated that the petitioners would be satisfied in case the Secretary, Department of School Education-respondent No.1 is directed to decide the legal notice dated 15.12.2022 (P-8) by passing a speaking order and while deciding the same, would consider the judgment passed by the Coordinate Bench of this Court in CWP-12389-2021, decided on 02.11.2021, in a time bound manner.

Learned State counsel has submitted that every effort would be made by the Secretary, Department of School Education-respondent No.1 to consider and decide the legal notice decided on 15.12.2022 (P-8) as expeditiously as possible.

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

- (i) The Secretary, Department of School Education-respondent No.1 would consider the legal notice dated 15.12.2022 (P-8) and while considering the said legal notice, would also take into consideration the judgment passed by the Coordinate Bench of this Court in CWP-12389-2021, decided on 02.11.2021. In case, respondent No.1 is of the opinion that the case of the petitioners is covered by the above-said judgment, then, the necessary relief would be granted in favour of the petitioners within a period of three months from the date of receipt of certified copy of the present order.
- (ii) In case, respondent No.1 is of the opinion that the case of the petitioners is not meritorious, then, a speaking order would be passed by respondent No.1 within a period of two months

from the date of receipt of the certified copy of this order.
Respondent No.1 would also give a personal hearing to the
petitioners.

It is made clear that this Court has not opined on the merits
of the case and respondents would consider the same independently, in
accordance with law.

March 14, 2023
pchawla

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No