

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

Reserved on : 08.05.2023
Pronounced On :12.05.2023

(1) CWP-17810-2003 (O&M)

Vinod Kumar and othersPetitioners

Versus

State of Haryana and others ...Respondents

(2) CWP-17807-2003 (O&M)

Sukhwinder Singh and othersPetitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen, Advocate, for
Mr. Sanjiv Gupta, Advocate, for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

HARNARESH SINGH GILL, J.

This order shall dispose of the above noted two petitions, as common questions of law and facts arise therein.

The petitioners have sought quashing of the action of the respondents in not considering their candidatures for the posts of Arts and Craft Teacher in pursuance of Advertisement No. 7/2003 and cancelling the recognition of Diploma granted to Pracheen Kala Kendra, Sector 35-B, Chandigarh.

The petitioners claim to have obtained Certificates/Diploma in Fine Arts from Golden Kala Kunj Institute Shiv Colony, Jind and Shree Shyam Arts and Crafts College, Behal, District Bhiwani, respectively. It is further the case of the petitioners that the said Institutes were affiliated to the Pracheen Kala Kendra, Sector 35, Chandigarh.

It is submitted by the learned counsel for the petitioners that as per communication dated 13.11.1985 (Annexure P.1), issued by the Director, Directorate of Education, Haryana, recognition was granted to the Certificates/Diplomas issued by the Pracheen Kala Kendra, Chandigarh, for appointment in the School Cadre on the pattern of Central Board of Education, New Delhi. It is further submitted that the Director, Secondary Education, Haryana, vide letter dated 18.11.1998 had informed the D.A.V. School, Gurugram and District Education Officer, Gurugram to the effect that Diploma in Fine Arts, conducted by Pracheen Kala Kendra, Chandigarh, was recognized by the Haryana Government for appointment of Arts teachers

It is further submitted that Bhalle Ram Memorial College was clearly intimated by respondent No.2 that the Fine Arts Diploma issued by the Pracheen Kala Kendra, Chandigarh, had been recognized by the Haryana Government for appointment to the posts of Arts Teachers. The petitioners had obtained certificates in Fine Arts from the said Institutes, but the petitioners could not apply for the posts of Arts and Craft Teacher, in pursuance of Advertisement No. 7/2003, as the

respondents vide order dated 28.06.2000, had withdrawn the recognition granted to Pracheen Kala Kendra, Chandigarh.

The petitioners have, in both the writ petitions, heavily relied upon CWP-8627-2000 – Bhalle Ram Memorial College Vs. State of Haryana and others, which was filed against the order dated 28.06.2000 passed by the respondents withdrawing the alleged recognition granted to the Pracheen Kala Kendra, Chandigarh.

Both the writ petitions were admitted vide orders dated 13.11.2003 passed by the Division Bench, with a direction that the same be heard along with CWP-1740-2001.

Vide order dated 01.10.2014 passed by a Coordinate Bench of this Court, CWP-1740-2001 was dismissed. Relevant part of the said order would read as under:-

“.....Learned counsel for the parties do not dispute that similar issue has been considered by this Court in CWP No. 8627-2000 – Bhalle Ram Memorial College Vs. State of Haryana and others, whereby bunch of writ petitions has been dismissed vide judgment dated 06.11.2001.

For the detailed reasons recorded in the aforesaid judgment, the writ petition is dismissed.”

In Bhalle Ram Memorial College's case (supra), the challenge was to the very communication dated 28.06.2000 issued by the Director, Secondary Education Haryana, vide which recognition allegedly granted to the Pracheen Kala Kendra, in respect of grant of Diploma/Degree in Fine Arts, had been withdrawn. In the said writ petition, a Coordinate Bench of

this Court, vide order dated 06.11.2001, while dismissing the bunch of writ petition, has held as under:-

“.....It is vide impugned communication dated 28.06.2000 issued under the signatures of Assistant Director, School-I, for Director, Secondary Education Haryana, the effect of the alleged communications, copy Annexures P.3 and P.6, has been cancelled. It is obvious that no such recognition could be issued to the Schools. If at all any recognition was to be communicated, it could only be issued to Pracheen Kala Kendra, which in turn could have addressed the communication to the schools/centres where the students are admitted for imparting education in the disciplines accordingly. Since the recognition is not accordable to a school or a centre, which is meant for imparting education and holding examinations, such institution cannot have any locus-standi to challenge the impugned communication. Even otherwise, on the basis of aforesaid communications i.e. Copy Annexures P.3 and P.6, no certificate or Diploma could have been granted by the Institutions, such as the petitioners.

Therefore, I hold that the petitioner does not have any right to question the impugned order and is also not entitled to take any advantage of benefit of the communications, copy Annexures P.3 and P.6. However, I refrain myself in opining as to whether the communications, copies Annexures P.3 and P.6 have been validly or invalidly issued. In this regard, I have been informed orally by the learned State counsel that an enquiry has been initiated and the status of the issuance of these communications is under surveillance and the appropriate action is being taken accordingly.

In view of the above, this writ petition is dismissed on the short grant that the petitioner

does not have the locus-standi to challenge the
impugned communication....”

As observed above, the institutions like the
petitioners’ were not competent to issue the certificates or
Diploma in Fine Arts and the Pracheen Kala Kendra, whose
alleged recognition was withdrawn by the respondents, did not
approach the Court. Therefore, the present petition lacks merit
for the same reasons.

In view of the above and for the detailed reasons
recorded in Bhalle Ram Memorial College’s case (supra), the
present petitions are dismissed.

12.05.2023
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No