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

CWP-10174-2023

Date of decision : 11.05.2023

Shree Shyam Education Society

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Maini, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana, for respondent Nos.1 to 3.

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 a writ in the nature of mandamus directing respondent Nos.1 to 4 to take action against respondent No.5 under the statutory Haryana Education Rules, 2003 (Amended upto 2009) and the affiliation bye-laws of respondent No.4 as respondent No.5 is stated to be running a school in the same premises on which the school of the petitioner was being run and same is being done on the affiliation granted to the petitioner school, although, the said affiliation has never been transferred.

2. Learned counsel for the petitioner has submitted that for the grievances raised in the present petition, the petitioner had given a complaint dated 02.05.2023 (Annexure P-8) to respondent Nos.2 to 4 and the petitioner would be satisfied in case, respondent Nos.2 and 4 would look into complaint dated 02.05.2023 (Annexure P-8) and after seeing the same in case, they find

merit in the same, they would take appropriate action, in accordance with law, against the private respondent No.5.

3. Learned State Counsel who has appeared on behalf of respondent Nos.1 to 3 has submitted that the complaint would be duly considered by the competent authority and after considering the same, in case, the plea raised by the petitioner is meritorious then necessary action against the private respondents would be taken after following the principle of natural justice and after hearing respondent No.5. It is submitted that the complaint dated 02.05.2023 (Annexure P-8) would be considered within a period of six weeks from today.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent Nos.2 and 4 to look into the complaint dated 02.05.2023 (Annexure P-8) within a period of six weeks from today and in case, after considering the complaint dated 02.05.2023 (Annexure P-8), the authorities are of the opinion that the action is required to be taken against respondent No.5 then the same be taken as expeditiously as possible in accordance with law after granting due opportunity of hearing to respondent No.5.

5. It is made clear that this Court has not opined on the merits of the case and respondent Nos.2 and 4 would independently consider complaint dated 02.05.2023 (Annexure P-8), in accordance with law.

11.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**