

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(126)

CWP-11123-2023

Date of decision: - 22.05.2023

Gram Panchayat Village Shamshabad

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. P.S. Chahal, Advocate,
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing the respondent No.2 to decide the legal notice dated 09.04.2023 (Annexure P-4).

2. Learned counsel for the petitioner has submitted that for the grievances raised in the present writ petition, the petitioner has sent a legal notice dated 09.04.2023 (Annexure P-4) to the respondents including the Director Public Instructions (Secondary), Education, Ajitgarh (Mohali)/respondent No.2, in which, it has been stated that the Government Primary School Shamshabad was upgraded to Government Middle School, vide notification dated 21.12.2021 and the building for

classes 6th to 8th was constructed by the Gram Panchayat, Shamshabad, but teachers still have not been sent for teaching classes 6th to 8th. It is further submitted that the petitioner would be satisfied at this stage in case respondent No.2 is directed to consider the legal notice dated 09.04.2023 (Annexure P-4) within a time bound manner and in case the pleas raised by the petitioner are found to be meritorious, then, necessary action in accordance with law be taken thereafter.

3. Learned State counsel appearing on behalf of the respondents has submitted that respondent No.2 would consider the said legal notice dated 09.04.2023 (Annexure P-4) in accordance with law within a period of one month from the date of receipt of certified copy of the present order and in case the pleas raised by the petitioner are found to be meritorious, then, appropriate action in accordance with law would be taken as expeditiously as possible and in case, respondent No.2 is of the opinion that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim of the petitioner would be passed within a period of one month from the date of receipt of certified copy of the present order.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to respondent No.2 to consider the legal notice dated 09.04.2023 (Annexure P-4), within a period of one month from the date of receipt of certified copy of this order and in case, respondent No.2 is of the opinion that there is merit in the plea raised by the petitioner, then, take appropriate action, in accordance with law as expeditiously as possible and in case, respondent No.2 is of

the opinion that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim of the petitioner be passed within a period of one month from the date of receipt of certified copy of the present order.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.2 would consider and decide the matter independently, in accordance with law.

May 22, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No