

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-18618-2022

Date of decision : 10.01.2023

Dashmesh Secondary School, Valtoha, Tarn Taran through its Manager
Baljit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Dilpreet Singh Gandhi, Advocate
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab.

Mr.R.S.Kalra, Advocate for respondents no.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing of the order dated 01.06.2022 vide which the respondent has cancelled the affiliation of the petitioner school for a period of three years.

Learned counsel appearing for respondents no.2 to 4 has handed over a copy of the order dated 10.11.2022 passed by the Chairman, Punjab School Education Board, which is taken on record as Mark 'A', as per which, it has been stated that on the representation / appeal preferred by the schools, the matter was reconsidered and it had been decided vide letter dated 04.07.2022 that a Committee under the Chairmanship of Vice Chairman, Punjab School Education Board which would also comprise of

school on individual basis and after considering the relevant record, would submit its report regarding each school separately. It is further stated in the said order that after the Committee has submitted its report, the matter shall be examined individually by the Chairman, Punjab School Education Board, being the competent authority and in case any action is required to be taken against the school concerned then the same will be taken after issuing appropriate show cause notice calling for the comments of the schools and the decision thereupon would be taken after granting due opportunity of hearing to the said schools. Vide the said order, it has also been stated that till the time fresh orders, after following due process, are not passed, all the earlier orders of disaffiliation and penalty shall not come into force and shall remain in abeyance.

Learned counsel appearing for the petitioner has submitted that the said order in fact, amounts to setting aside of the impugned order and thus, seeks to withdraw the present petition but has sought the following liberties:-

- i) to challenge the constitution of the Committee as it is the case of the petitioner that the said Committee has not been constituted, in accordance with law.
- ii) To challenge any fresh order which may be passed after following the process as mentioned in order dated 10.11.2022.

Keeping in view the above said facts and circumstances and the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with liberty to the petitioner challenge the Constitution of the Committee, as well as to challenge any fresh order

passed by the respondent-authorities after following the process as detailed in order dated 10.11.2022.

(VIKAS BAHL)
JUDGE

January 10, 2023
Davinder Kumar

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