

CWP-21822-2023 (O&M)

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2023:PHHC:126858

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-21822-2023 (O&M)

Date of decision : 28.09.2023

Ameliorating India and others

... Petitioners

Versus

Punjab School Education Board and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajinder Ghai, Advocate
for the petitioners.

Mr. Gurtej Singh, Deputy Secretary on behalf of PSEB.

VIKAS BAHL, J.(ORAL)

CM-16704-CWP-2023

1. This is an application filed for grant of leave under Rule 3-A(i) of Chapter 6-B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

2. In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CWP-21822-2023

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to quash the PSEB's instructions uploaded on portal of PSEB on 24 and 26th August, 2023 (Annexure P-6) (wrongly mentioned as Annexure P-1 in the writ petition).

Other prayers have also been made in the writ petition.

2. Learned counsel for the petitioners has submitted that the

petitioners have a two fold grievance. The first grievance raised by the petitioners is with respect to petitioner no.2-school to the effect that the respondent-Board is seeking examination fee for the examinations to be held for classes 5th and 8th. The second grievance raised by the petitioners is that petitioner no.2 is seeking affiliation for classes 9th and 10th and the first bunch of students would be admitted in 9th class on 01.04.2024 and petitioner no.2 has not been informed as to when petitioner no.2 is supposed to apply for getting the affiliation for 9th and 10th class, in spite of requests seeking clarification of the same.

3. Mr.Gurtej Singh, Deputy Secretary, appearing on behalf of the respondent-Board has submitted that as far as the first prayer with respect to the charges of examination fee for 5th and 8th class is concerned, since petitioner no.2-school is not affiliated to the Punjab School Education Board as yet, thus, the respondent-Board is not charging any examination fee for the 5th and 8th class and thus, the grievance of petitioner no.2-school is misconceived. With respect to the second prayer, it has been stated that as per the latest notification, in case petitioner no.2-school wishes to get affiliation for classes 9th and 10th, there is a standard slot for every year starting from 1st April of that year upto 15th September of the said year when the school, which wishes to seek affiliation from the respondent-Board, can apply. It is further submitted that after inspection and following the procedure as per law and after fulfilling all the conditions, the affiliation is granted in accordance with law. It is submitted that in case petitioner no.2-school wants affiliation for classes 9th and 10th and as per the case of petitioner no.2, 9th class is to commence from 01.04.2024 then, petitioner no.2 needs to apply in the slot for the year 2024 i.e., 01.04.2024 to 15.09.2024 and in case petitioner no.2 applies for the affiliation during

the said period, then the said application would be considered in accordance with law.

4. Learned counsel for the petitioners has submitted that in view of the statement made by the authorised representative of respondent-Board before this court, the two main grievances have been met and thus, as far as the two main grievances are concerned, the present writ petition be disposed of as having been rendered infructuous. For the other grievances raised in the present petition, it is prayed that the petitioners be granted liberty to seek remedy in accordance with law.

5. In view of the above, the present petition is disposed of as having been rendered infructuous. Respondent-Board would be bound by the statement made before this Court. Liberty is granted to the petitioners to seek remedy with respect to the other grievances as prayed for, in accordance with law.

(VIKAS BAHL)
JUDGE

September 28, 2023.
Davinder Kumar

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