

CWP-4840-2024

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2024:PHHC:032357

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4840-2024

Date of decision : 06.03.2024

Jeeva Nain

... Petitioner

Versus

Carmel Convent School and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Hitesh Malik, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to issue the transfer certificate to the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner has moved an application dated 03.11.2023 (Annexure P-4) to the District Education Officer, Department of Education, U. T. Chandigarh, detailing the grievances of the petitioner. It is further submitted that in pursuance of the same, an e-mail dated 23.11.2023 (Annexure P-7) was issued by respondent no.2 to respondent no.1-school but no further action has been taken on the same. It is stated that the petitioner would be satisfied in case, final decision on application dated 03.11.2023 (Annexure P-4) is taken by respondent no.2, as expeditiously as possible. Learned counsel for the petitioner has referred to the provisions of The Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as “2009

Act”) to submit that under Section 2(n), school would also include an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority and under Section 5 of the said 2009 Act, a right of transfer has been given to a child, from one school to the other. It is further submitted that as per Section 32 of the said 2009 Act, any person having any grievance relating to the right of a child under this Act has a right to make a complaint to the local authority having jurisdiction and it is submitted that in the present case with respect to the U. T. Chandigarh, the District Education Officer, Department of Education, U. T. Chandigarh, has the said jurisdiction.

3. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with a direction to respondent no.2 to consider the application dated 03.11.2023 (Annexure P-4) filed by the petitioner, in accordance with law, as expeditiously as possible, preferably within a period of 3 months from the date of receipt of the certified copy of the present order.

4. It is made clear that this Court has not given any opinion on the merits of the case and the final order /action on the said application would be passed / taken after hearing all the necessary parties including respondent no.4.

(VIKAS BAHL)
JUDGE

March 06, 2024
Davinder Kumar

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