



CWP-4866-2023 (O&M)

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

**CWP-4866-2023 (O&M)
Date of Decision: 21.10.2024**

Carrier Defence Academy

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aakash Singla, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *certiorari* for quashing/setting-aside the Letter dated 23.02.2022 (Annexure P-1) issued by respondent No.4 i.e. District Education Officer as well as the letter dated 27.02.2023 (Annexure P-2) issued by Block Education Officer i.e. Respondent No.5 whereby the Petitioner-Academy has been ordered to be closed/shut down in illegal and rash manner, without issuing any notice to the petitioner or providing the petitioner with an opportunity of hearing. With further prayer in the nature of *mandamus* directing the respondents not to take any coercive step against the petitioner in pursuance of the aforesaid letters with further prayer that during the pendency of the present writ petition, the operation of the letters dated 23.02.2022 as well as 27.02.2023 be stayed.

2. Learned counsel for the petitioner submitted that the impugned

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letter dated 23.02.2023 (Annexure P-1) has been issued by the District Education Officer, Ambala without any authority of law and without any basis and also without following the basic *principles of natural justice* since neither any show-cause notice was issued to the petitioner-Academy nor the petitioner was ever associated with any enquiry whatsoever. He further submitted that as per the aforesaid impugned letter (Annexure P-1), the allegation against the petitioner-Academy is that one complaint was received from some of the parents of the students, who were taking training from the petitioner-Academy and the dispute with the parents was with regard to fee and the aforesaid letter was issued because of this reason. He also submitted that the petitioner is only an Academy and is neither affiliated with the Board nor is it a school under any circumstance and therefore, no such direction could have been issued to the petitioner by the District Education Officer. He further submitted that at this stage, the petitioner-Academy will be satisfied, in case, the aforesaid impugned letter (Annexure P-1) which has been issued in violation of the *principles of natural justice* may be set aside and a direction may be issued to the respondent-District Education Officer to take a fresh conscious decision as to whether the Department of Education, State of Haryana is even competent to proceed against the petitioner or not and thereafter, in case it can, to further proceed in accordance with law.

3. On the other hand, Mr. Kapil Bansal, learned DAG, Haryana submitted that in view of the aforesaid factual position whereby the petitioner-Academy neither joined any enquiry nor any show-cause notice was issued to the petitioner, the District Education Officer will first of all ascertain as to whether the Department of Education is within its rights to

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have proceeded against the petitioner being an Academy or not and thereafter to take an action and to pass a fresh order in accordance with law.

4. After hearing the learned counsels for the parties and in view of the aforesaid factual position, the present petition is partly allowed and the letter (Annexure P-1) is hereby set aside. The respondent-Department of School Education, Government of Haryana, is further directed to take a fresh conscious decision. At the first instance an order has to be passed as to whether the Department of Education is within its rights to proceed against the petitioner or not and thereafter, in case it so decides that they can proceed, only then a fresh order with regard to the fact as to whether the petitioner-Academy has violated any provision of law or not shall be passed in accordance with law within a period of 3 months from today after giving an adequate opportunity of hearing to the petitioner.

5. All the pending applications stand disposed of.

21.10.2024*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |