



CWP-7117-2024

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

**CWP-7117-2024
Date of Decision: 06.11.2024**

Dhanpati Devi Memorial Shiksha and Vikas Samiti Society and another
..... Petitioners

Versus

State of Haryana and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Chatrath, Advocate,
for the petitioners.

Ms. Dimple Jain, 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 in the nature of *mandamus* directing the respondents to consider and grant recognition along with permission to the petitioner-Society to continue with the functioning of Saraswati Vidya Mandir Public School and to allow the School to continue with the admission process keeping in view the fact that petitioner No.2-School had applied for the recognition way back in the year 2010, however, till date no inspection has been conducted in the right perspective in pursuance of the application for recognition which is evident from the letter dated 15.02.2024 (Annexure P-21) with a further prayer to issue directions to the effect of quashing the order dated 14.03.2024 (Annexure P-24) issued by the respondent No.3 whereby petitioner No.2-School has been restrained



from admitting students for the academic year 2024-2025 without taking into consideration the actual factual position that the recognition has been delayed to petitioner No.2-School on account of the fact that there was a failure on the part of the respondents to conduct the inspection as evident from their own letter dated 15.02.2024.

2. Learned counsel for the petitioners submitted that petitioner No.2 has been running from the year 2003 and has been requesting the respondent-State to grant recognition/permission, but the respondent-State has only made correspondence with petitioner No.2 after conducting inspection but no final decision has been taken by the respondent/State on the aforesaid grievance of the petitioner No.2. He further submitted that his limited prayer at this stage may be considered to the extent that a direction may be issued to the respondent-State to give an opportunity of hearing to the petitioner No.2 along with all the documents pertaining to the objections which they have raised and thereafter, on the basis of the documents and the reply which they have filed to the objection raised by the respondents be considered in accordance with law and a speaking order backed by reasons may be passed.

3. On the other hand, Ms. Dimple Jain, learned DAG, Haryana submitted that the respondent/State has already in pursuance of the inspection which was conducted in the year 2023 had communicated to petitioner No.2 that there are various objections which petitioner No.2 had to rectify but till date the same has not been rectified. She further submitted that so far as respondent No.2 i.e. Director, Elementary Education, Haryana is concerned, they have no objection in case any direction is issued by this

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Court to pass a final order after granting an opportunity of hearing to petitioner No.2 so that the matter can be resolved.

4. After hearing the learned counsel for the parties and keeping in view the limited prayer made by the learned counsel for the petitioners at this stage, the present petition is disposed of. The Director, Elementary Education, Haryana shall grant an opportunity of hearing to petitioner No.2 and fix a date in this regard by communicating to the petitioner No.2 and petitioner No.2 shall be at liberty to put forth its case pertaining to removal of objections if any and provide any documents to the Director of Elementary Education, Haryana on the basis of which petitioner No.2 is seeking recognition/permission. After the aforesaid exercise is done, the Director, Elementary Education, Haryana shall pass a speaking order backed by reasons in accordance with law which shall be communicated to the petitioner-School.

5. Since the prayer of petitioner No.2 is with regard to seeking recognition, the entire aforesaid exercise shall be done within a period of two months from today.

06.11.2024*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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