

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7836-2024
Date of decision : 05.04.2024

Mata Gujri Educational Society (Regd.)

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sangram Singh Saraon, Advocate,
Ms.Shubreet Kaur, Advocate and
Mr.M.B.Rajwade, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order / recommendation dated 01.03.2024 (Annexure P-18) as well as order dated 13.03.2024 (Annexure P-20) passed by the Director, School Education (Elementary), Punjab revoking the recognition under the RTE Act, 2009.
2. Learned counsel for the petitioner has submitted that in the present case, there is a violation of Rules 11 and 12 of the Punjab Right of Children to Free and Compulsory Education Rules, 2011 and procedure as prescribed under the said Rules has not been followed. Reference has been made to the said Rules, which have been reproduced at page 26 of the writ petition. A perusal of the said Rules would show that under Rule 12 (d), an

order of the Director passed under Clause (c) can be challenged by the School Management before the Punjab State Commission for protection of child rights within a period of one month of the passing such order, who shall decide the case after giving a reasonable opportunity of hearing to the parties within a period of three months from the date of filing of such an appeal. Learned counsel for the petitioner has submitted that in view of the said provision, the petitioner be permitted to withdraw the present writ petition with liberty to file an appeal as provided under Rule 12(d) along with an application for stay and has prayed that the application for stay / interim directions be considered by the appellate authority in a time bound manner, as the future of 1307 students is involved in the same.

3. Learned State counsel has submitted that in case the petitioner files an appeal, in accordance with law, along with an application for stay / interim directions, the application for stay / interim directions would be considered by the appellate authority, as expeditiously as possible.

4. Keeping in view the above said facts and circumstances, the petitioner is permitted to withdraw the present petition with liberty to file the appeal before the appellate authority as mentioned in Rule 12(d) of the Punjab Right of Children to Free and Compulsory Education Rules, 2011 along with application for stay/ interim directions and to raise all the pleas that are available to the petitioner in the said appeal, which have been raised in the present petition. The appellate authority is directed to take up the said appeal along with application for stay for preliminary hearing and pass an appropriate orders on the application for stay / interim direction within a period of one week of filing of the said appeal. The appellate authority would also make an endeavour to decide the main appeal as expeditiously

as possible, preferably within a period of two months from the date of filing of the appeal.

5. It is made clear that this Court has not opined on the merits of the case and the appellate authority would consider the appeal and application for stay independently, in accordance with law.

(VIKAS BAHL)
JUDGE

April 05, 2024
Davinder Kumar

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