



**CM-6362-CWP-2024 and
CM-6364-CWP-2024 in
CWP-7977-2024**

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

(264)

**CM-6362-CWP-2024 and
CM-6364-CWP-2024 in
CWP-7977-2024**

Date of decision: - 15.05.2024

Master Vansh Garg through his father Harsh Garg

....Petitioner

Versus

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rakshit Gupta, Advocate
for Mr. Rakesh Gupta, Advocate
for the non-applicant/petitioner.

Mr. Inderjit Kaushal, Advocate
for applicant-respondent No.4.

Mr. Vipul Aggarwal, Sr. Panel Counsel
for respondent No.1-UI.

Mr. Ashish Rawal, Advocate
and Ms. Sukhmani Patwalia, Advocate
for respondent No.2-UT Chandigarh.

VIKAS BAHL, J. (ORAL)

CM-6364-CWP-2024

1. This is an application under Section 151 CPC for placing on record the written statement on behalf of respondent No.4.
2. Application is allowed, as prayed for. Written statement filed on behalf of respondent No.4 is taken on record.



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1. Present application has been filed under Section 151 CPC on behalf of respondent No.4 for vacation of ex-parte *ad interim* order dated 08.04.2024.
2. Reply to the application has been filed on behalf of non-applicant/petitioner today in the Court and the same is taken on record. A copy thereof has been supplied to learned counsel for the applicant-respondent No.4.
3. Learned counsel for the applicant-respondent No.4 as well as learned counsel for non-applicant/petitioner, who are contesting parties, have submitted that instead of deciding the present application, the main case be preponed to today and the same be taken up for hearing.
4. Learned counsel appearing for respondent No.1-UOI as well as learned counsel for respondent No.2 have no objection to the said course of action.
5. Accordingly, the present application is disposed of and the main case is preponed from 14.08.2024 to today.

CWP-7977-2024

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned letter dated 01.04.2024 (Annexure P-4) issued by respondent No.4 vide which the petitioner was suspended from School for the period of six months.
2. On 08.04.2024, this Court was pleased to pass the following



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order: -

“Inter alia contends that the petitioner and his father have utmost respect for the Principal and the teachers of respondent No.4-school and for the unfortunate incident, have already tendered unconditional apology including the apology rendered on 25.02.2024, 01.03.2024 and 29.03.2024. It is further submitted that the petitioner has been constrained to file the present writ petition as in case, the petitioner is not permitted to attend the classes upto half yearly examinations, as has been stated in the impugned order dated 01.04.2024, then the same would make it impossible for the petitioner to have 75% attendance to appear in the examinations which would take place for Class 10th. It is also submitted that this was the first mistake made by the petitioner and the petitioner as well as his father further undertake that in case any future mistake either minor or major is made by the petitioner, then, he would give an undertaking before respondent No.4-School that respondent No.4-School may take any action against the petitioner. It is further submitted that the incident had taken place when the petitioner was in 8th class and as per the provisions of Section 16 as well as Section 17 of the Right of Children to Free and Compulsory Education Act, 2009, the impugned order is not sustainable as no child can be expelled from the school till the completion of elementary education nor can he be subjected to physical punishment or mental harassment till the time of completion of 8th class. It is submitted that in case, the petitioner is permitted to attend the classes then, the petitioner would show utmost respect to the teachers and would not in any manner spoil the atmosphere of the school.

Learned counsel for the petitioner has made an interim prayer of permitting the petitioner to attend the classes of 9th class, to which the petitioner has been promoted, which is starting from 10.04.2024, subject to the decision of the present writ petition. It is submitted that the petitioner would not claim any equity in case the said interim order is passed in favour of the petitioner.

Notice of motion for 14.08.2024.

Mr. Vipul Aggarwal, Sr. Panel Counsel, Advocate appears and



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accepts notice on behalf of respondent No.1-UI and Mr. Ashish Rawal, Advocate and Ms. Sukhmani Patwalia, Advocate appears on behalf of respondent No.2-UT Chandigarh.

Keeping in view the abovesaid facts and circumstances, more so in view of the fact that the petitioner has tendered unconditional apology and also the fact that non-grant of permission to the petitioner to attend the classes could lead to the petitioner not being able to meet the mandatory 75% attendance, as an interim measure, the petitioner is permitted to attend the classes of 9th class from 01.05.2024 subject to the decision of the present writ petition.

It is made clear that no equity would be created in favour of the petitioner on account of the abovesaid interim relief.”

3. Learned counsel appearing for respondent No.4 has submitted that in case the petitioner and his father give an undertaking to the effect that in case any future mistake, either major or minor, is made by the petitioner, then, respondent No.4 would have the right to take any action against the petitioner in accordance with law and also specifically state in the said undertaking that the petitioner and his father withdraw all the allegations against the Principal of respondent No.4-School and state that the petitioner would maintain decorum in the school, then, respondent No.4 would have no objection in case the impugned letter is set aside.

4. Learned counsel for the petitioner has submitted that the necessary undertaking, as required by respondent No.4-school, would be given within a period of two weeks from today.

5. Keeping in view the above-said facts and circumstances, the present petition is partly allowed and the impugned letter dated

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01.04.2024 (Annexure P-4) is set aside, subject to the conditions that the petitioner and his father would within a period of two weeks from today submit an undertaking to respondent No.4-School specifically stating that in case any major or minor mistake is made by the petitioner, then, it would be open to respondent No.4-School to take any action against the petitioner, in accordance with law, and with a further specific statement that the petitioner would maintain decorum in the school and also that all the allegations, which have been made by the petitioner and his father against the Principal, stand withdrawn.

6. It is made clear that in case the said affidavit/undertaking is not given within the aforesaid period, the present writ petition would be deemed to have been dismissed.

May 15, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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