

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

(133)

**2024:PHHC:011809
CR-2450-2022(O&M)
Date of Decision: 29.01.2024**

St. Convent School & another

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Mukesh Rao, Advocate for the petitioners.

Mr. J.S. Pannu, A.A.G., Haryana with
Ms. Neetu, Legal Assistant, DEEO, Rewari.

Mr. Arav Gupta, Advocate and
Mr. Rajesh Malik, Advocate for
respondents no.5 and 6.

ANIL KSHETARPAL.J (Oral)

1. This revision petition has been filed by the plaintiffs to challenge the correctness of order dated 19.05.2022 passed by the Trial Court which in appeal has been affirmed by the First Appellate Court vide order dated 31.05.2022 passed by the learned Additional District Judge, Rewari while rejecting their application for grant of temporary injunction. The plaintiffs are running a school up to middle standard. The aforesaid school is neither affiliated to any govt. department nor to the Education Board. On 29.06.2022 the following order was passed:-

“Learned Senior counsel appearing for the petitioners submits that as on date, 500 students are studying in the school in question and in case, this Court does not pass any interim order, career of the students might be effected. Notice of motion. Mr. Rajat Gautam, DAG, Haryana, accepts notice on behalf of the defendants/respondents and waive service. In view of the submissions and given the number of

students, the impugned orders shall remain stayed till the next date. However, if the matter is adjourned because of the petitioner, then on this ground alone, the interim stay shall not be extended. The prayers for the stay mentioned anywhere in the petition and the accompanying application(s), if any, stand disposed. However, it shall be open for the petitioner to file an application seeking an extension of stay by mentioning the reasons stipulated by the Hon'ble Supreme Court in Asian Resurfacing of Road Agency Pvt Ltd v. Central Bureau of Investigation, (2018) 16 SCC 299, (para 35), which holds as follows,

“[35] In view of above, situation of proceedings remaining pending for long on account of stay needs to be remedied. Remedy is required not only for corruption cases but for all civil and criminal cases where on account of stay, civil and criminal proceedings are held up. At times, proceedings are adjourned sine die on account of stay. Even after stay is vacated, intimation is not received and proceedings are not taken up. In an attempt to remedy this, situation, we consider it appropriate to direct that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced.”

List on 21.09.2022, on which date the matter shall be heard finally. Respondents may file reply/response in the

2. Learned counsel representing the parties are ad idem that the application submitted by the petitioners for grant of approval/affiliation has already been rejected. The plaintiffs wish to challenge the same.
3. The academic session 2023-2024 is going to end in the month of March, 2024. As a period of nearly 10 months has already elapsed and some students are studying in the school, thus, in the interest of justice, the School is permitted to run upto March, 2024.
4. Learned counsel representing the parties have come to a consensus. However, the school will have no right to admit any fresh student in the next academic session unless the order dated 16.08.2023 is set aside by the Deputy Director, Education.
5. In view of the aforesaid arrangement, this revision petition as well as the suit filed by the plaintiffs is rendered infructuous and both are accordingly, disposed of. The Trial Court is requested to consign the suit to the records.

(ANIL KSHETARPAL)

JUDGE

29.01.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No