



CWP-13788-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(117)

CWP-13788-2024

Date of decision: - 31.05.2024

Federation of Private Schools and Associations of Punjab

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arjun Pratap Atma Ram, Advocate,
for the petitioner.

Mr. TPS 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 prohibition permanently restraining the respondent State of Punjab and its Agencies from interfering in the administration of the petitioner-Institutes. Other prayers have also been made in the petition.

2. Learned counsel for the petitioner has submitted that as per the Right of Children to Free and Compulsory Education Act, 2009 (Annexure P-3) (at page 74 of the paper-book), a minimum number of working days/instructional hours in an academic year is to be maintained by the schools who are members of the petitioner association and minimum number of working hours per week for the teachers are also



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specifically mentioned which also have to be maintained. It is further submitted that a large number of duties are to be performed by various staff members and teachers of the schools so that the administration of the schools can run efficiently and the same has been detailed in para No.5 of the representation (Annexure P-11) and the said para, which has been highlighted, is reproduced hereinbelow: -

“5) Our School has called the staff, because after declaration of Holidays on 20.05.2024, the Orders were received, due to which staff has to come next day because :-

- (A) The bags of students, which are kept in the School, to reduce the weight under the Bag Policy, the students cannot take along the same and the Staff has to give the said bags to the parents of the students.*
- (B) For giving the Holidays work to the students of primary/elementary classes, the copies have to be prepared and for the higher classes, for preparing their Home Work, the staff has to come to the School (it is worth mentioning that the Teachers of the Government School are also sending the work by making P.D.F.).*
- (C) As per the Rules of C.B.S.E. and other Boards, 220 Teaching Days are compulsory/mandatory and to fulfil the same, the Staff is conducting on-lines classes under suitable arrangements, which are being attended by the students from home, due to which they face no heat of summers.*
- (D) Regarding the non-teaching staff of the School, they have to look after the Buses, their repairs and repair of the building can be done only in the holidays and every year the same is being done.*
- (E) The First Semester Papers of the School has to be checked by the checking staff during these days.*
- (F) The Character Certificates and other Certificates of the students of Matric and Twelfth Classes whose results have been announced by the Punjab School Education Board and*

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the C.B.S.E., are to be issued.”

3. It is submitted that the petitioner association is concerned about the best interest of the students and even in case holidays had been declared by the State of Punjab, then also, the above-said activities and other activities are necessarily required to be carried out by the staff members/teachers for the smooth functioning of the schools and in order to meet the minimum number of working days/classes, the petitioner schools have to set up online classes, which should be permitted. It is submitted that the show cause notices have been issued to the members of the petitioner associations and two such show cause notices are Annexures P-9 and P-10 and has further submitted that the members of the petitioner associations would give response to the said notices issued within a period of two weeks from today. It is prayed that a decision be taken on the same by the competent authority of respondent No.1-State and that till the time the said decision is taken, no coercive action be taken against the members of the petitioner association with respect to the said aspect.

4. Learned counsel appearing for the respondents-State has submitted that the State of Punjab has all concern for the students, more so on account of the fact that the temperatures in the month of May have shot up to 47 degrees. It is submitted that in case the members of the petitioner association file reply to the show cause notices issued to them, then, a decision, in accordance with law, would be taken within a period of six weeks from the date of receipt of the said reply and till the said time

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no coercive action would be taken with respect to the issue in question.

5. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with the following directions: -

- (i) It would be open to the members of the petitioner association to file reply to the show cause notices issued to them within a period of two weeks from today before the competent authority of respondent No.1-State.
- (ii) In case of the members of the petitioner association doing so, the competent authority of respondent No.1-State would consider the said reply and take a final decision on the same within a further period of six weeks from the date of receipt of copy of the said reply.
- (iii) Till the time a final decision is taken, no coercive action would be taken by respondent No.1-State against the members of the petitioner association with respect to the issue in question.

6. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent No.1-State would take an independent decision, in accordance with law.

May 31, 2024*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No