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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25372-2024 (O&M)
Date of decision: 04.10.2024

Tanshiq Singla minor through his father Ukesh Singla

...Petitioner

VERSUS

Deputy Commissioner, Sangrur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Yadwinder Singh, Advocate, for the petitioner.
(through video conferencing).

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the official respondents No.1 to 3 to protect the fundamental rights of the petitioner as respondents No.4 and 5 are not allowing the petitioner to enter the school premises and are not allowing him to join his studies without any rhyme and reason.

2. Mr. Yadwinder Singh, learned counsel for the petitioner has joined the proceedings through video conferencing.

3. On the last date of hearing, following order was passed.:-

“Before proceeding further, let the learned State counsel seek instructions from the District Education Officer who shall look into the matter and apprise this Court.



Adjourned to 04.10.2024.”

4. Today, Mr. Rajiv Verma, learned DAG, Punjab has stated that he has sought instructions in present case and will assist this Court.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a minor who has filed the present petition through his father was admitted in Pre-Nursery Standard in the respondent-School. He was thereafter promoted to class Nursery in April, 2024. Thereafter, some annual charges were required to be paid but there was a dispute raised by respondent-School with regard to payment of some of the charges. An amount of Rs.5050/- was also paid as monthly fee and respondent-school had issued a receipt in this regard and according to the parents of the petitioner, the entire fee till the month of August 2024 was paid to the respondent-school by the parents of the petitioner. He further submitted that the petitioner is ready and willing to go to the school but neither the school van is coming to pick up the petitioner nor the parents of the petitioner received any message or call from the School in this regard. He submitted that in this way, the petitioner is not being permitted to join classes and, therefore, the present petition has been filed.

6. Mr. Rajiv Verma, DAG, Punjab has submitted that he has sought instructions from Sh. Shiv Kumar, Junior Assistant O/o District Education Officer, Sangrur, and has submitted that the District Education Officer has conducted an enquiry into the issue and it has been found that the parents of the petitioner have not paid full fee to the School and dues are required to be paid and so far as the allegation of the father of the petitioner that the van of the School has not come to pick up the petitioner is concerned, it happened only for one or two days due to heavy rain and the van was non-operational during



those days and false allegations have been levelled by the father of the petitioner against the School.

7. Learned State counsel also submitted on instructions that in fact father of the petitioner misbehaved with a lady staff member of the respondent-school and in this regard, the Principal of the respondent-School had rather given a complaint to the concerned SHO on 27.07.2024. He further submitted that fault lies with the father of the petitioner who has not deposited the fee and misbehaved with a lady staff member of the School and, therefore, the present petition is liable to be dismissed.

8. After hearing learned counsel for the parties, this Court is of the considered view that it appears that disputed questions of facts are involved and the dispute appears to be regarding payment of some fee. Although this Court would not go into the aforesaid issue raised by learned State counsel that father of the petitioner misbehaved with a lady staff member of respondent-School, this Court is of the considered view that it is not a fit case to interfere under Article 226 of the Constitution of India.

9. Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

04.10.2024
rakesh

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