



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

202

CWP-8343-2021 (O&M)
Date of decision: 03.11.2025

Manish Kumar Banger

...Petitioner

Versus

The State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Abhinav Aggarwal, Advocate, for the petitioner.

Mr. Pankaj Midha, Additional Advocate General, Haryana.

Mr. Beant Singh Seemar, Advocate, for respondent No.7.

Mr. Animesh Sharma, Advocate, for respondent No.8.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition has been filed challenging an order passed by the Director Secondary Education, Haryana, Panchkula dated 07.09.2020 which records that the private respondent-institution has already been granted provisional affiliation for secondary school examination by the Central Board of Secondary Education for a period of three years w.e.f. 01.04.2016 to 31.03.2019 vide order dated 15.03.2016. Permission was also granted by the office of Director on 08.07.2019. The complaint made by the petitioner was disposed of accordingly. Aggrieved by this order, the petitioner is before this Court.

2. The petitioner submits that his wards were studying in the 8th respondent-institution which was being run without proper authority and affiliation. He had earlier approached this Court by filing the CWP-8050-2020 which was disposed of with a direction to the Director to objectively



consider the representation of the petitioner. Thereafter, the order has been passed by the competent authority.

3. The basis of challenge to the impugned order is that the recognition of the institution ought to have been obtained prior to grant of provisional affiliation by the Board and since this was not done, the running of the school was impermissible and a contrary view taken by the Director as rendered the order impugned liable to be set aside in the present proceedings.

4. The Director in his order has already recorded that provisional affiliation was granted to 8th respondent-institution by CBSC on 15.03.2016 and permission was also granted by the office of the Director on 18.07.2019. It has been observed that a warning has been issued to the 8th respondent to be more careful in future and abide by the provisions of the Haryana School Educational Rules 2003, which requires the recognition to be granted before affiliation could be applied.

5. Counter affidavit has been filed questioning the locus of the petitioner to file the present petition. Along with the reply, the respondents have placed on record the plaint of a suit filed by the institution. The original Suit No.612 of 2019 dated 30.08.2019 titled M/s Sky World School Vs. Manish Kumar Banger, is filed for recovery of the tuition fee and other charges payable by the two wards of the writ petition. It is submitted that the children of the petitioner have studied from the 8th respondent-school but their fees and other dues were not cleared and for this reason, a suit has been filed. It is also submitted that the filing of the petition is purposive and is intended to pressurize the respondent-school from prosecuting the suit and pressing the claim for recovery of fee and other dues.



6. The writ petition is absolutely silent with regard to the alleged filing of the suit by respondent No.8/institution i.e. Suit No.612 of 2019 dated 30.08.2019 titled M/s Sky World School Vs. Manish Kumar Banger. Even otherwise we find that 8th respondent's is not only having provisional affiliation from CBSC but is also recognized by the Director of Secondary Education. The impugned order also records that the school fulfilled all the norms which were expected to be possessed. Once that be the position, we are not inclined to entertain the present writ petition at the instance of the present petitioner, particularly when it is shown that he has suppressed the facts with regard to ongoing dispute between him and the 8th respondent with regard to non-payment of fee etc. We find substance in the argument that filing of the writ petition is only intend to settle score with the 8th respondent. It is well settled in law that a person who approaches this Court must come with clean hands. In such circumstances, the filing of the writ petition is found to be an apparent abuse of process of law. Consequently, the writ petition is dismissed with a costs assessed at Rs.25,000/- upon the petitioner. The cost shall be paid to the Haryana State legal Services Authority, within a period of 4 weeks or else, the amount shall be recovered as arrears of land revenue.

(ASHWANI KUMAR MISHRA)
JUDGE

03.11.2025
anil

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No