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

CWP-31283-2024

Date of Decision : 17.03.2026

JEEWAM FOUNDATION THROUGH ITS SECRETARY

.....Petitioner

VERSUS**STATE OF HARYANA AND OTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Daljeet Singh Virk, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a direction upon respondent no.2, for compliance of order/direction issued by the ACS, Education Department Haryana, dated 23.10.2023 as well as order/reminder dated 28.06.2024 (Annexures P-12 and P-13 respectively).

2. The facts which emerges from the pleading of this instant case is that: the petitioner-foundation/NGO had entered into a Memorandum of Understanding (MoU) on 21.12.2022 (Annexure P-2) with the respondent no.4 for the objective of improving the quality of



education at Govt. School of Kheowali village and to provide holistic learning opportunities for students. The parties to the MoU had also agreed that the MoU will provide the opportunity to work collaboratively to provide quality education opportunities to the students in the village Kheowall. As per clauses of the MoU, the same can be terminated by either party by issuing a three month notice to the other party, in the case when the objectives of the MoU are not being fulfilled. After that the petitioner-foundation/NGO started its work in the Govt. school of village Kheowali, and respondent no.4 was providing all the necessary facilities to the petitioner foundation/NGO as per the terms and conditions of MoU dated 21.12.2022. After some time various complaints were received with regard to behaviour and working style of the petitioner-foundation/NGO. Thereupon, the District Education Officer concerned issued, a three-months advance notice dated 27.07.2023 (Annexure P-7) was issued to the petitioner-NGO for termination of MoU, and finally, in view of the termination notice, the MoU was terminated on 26.10.2023.

3. The decision of termination of MoU was taken by the District Education Officer concerned, has never been put to challenge before any competent authority.

4. The petitioner-Foundation/NGO made a representation before the ACS, School Education Department, with a request to continue with the MoU, and the ACS, School Education Department, through its order dated 23.10.2023, which is a part of the file noting, considering that



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the decision taken by the Minister in Incharge, at the relevant time, gave directions to ensure the renewal of MoU within a week. The relevant is extracted hereinafter:-

“It seems the decision taken in the meeting held with the minister has not been implemented. Pl.ensure that the renewal of MOU takes place within a week.”

5. It seems that the ACS, School Education Department, was not informed about the decision of the DEO concerned, at the relevant time, that the MOU has already been terminated through an order passed by the competent authority, i.e. District Education Officer (DEO).

6. In view of the above, the asked for *mandamus* to make compliance of order/direction (*supra*) of the ACS, School Education Department, cannot be passed, whereas the petitioner-Foundation/NGO is required to challenge the order termination passed by the DEO, before the appropriate forum/authority.

7. Through the MoU, there was a binding contract executed between the petitioner-foundation/NGO, and the competent authority i.e. the DEO, which is now rescinded by passing a termination order. Unless and until that contract, is either revived or the validity of that termination of MoU is put to challenge, no relief as prayed for can be granted to the petitioner-NGO for issuance of a *mandamus*, to continue to make compliance of order passed by ACS, cannot be granted.

8. Consequently, the instant petition is **disposed of**, however, with liberty to the petitioner to challenge the order of termination passed



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by DEO dated 26.10.2023.

9. All pending application(s), if any, also stand **disposed** of accordingly.

March 17, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No