

Subject: CWP No. 8094 of 1997- Closure of Private Schools running in residential buildings.

This matter relates to closure of private schools running in residential building and buildings not earmarked for schools in compliance of orders passed by Hon`ble High Court in CWP No. 8094 of 1997 titled as Vinod Kumar Vs. State of Haryana.

The relevant part of court judgment is reproduced as under: -

Orders dated 03.09.2004

The case came up for hearing on 3.9.2004, the Hon`ble court called the Education Secretaries of all the three States namely Punjab, Haryana Chandigarh and Chief Administrator, PUDA/HUDA in person and gave directions as under:-

“that all the schools which are operating from residential premises should be positively closed down by 30.4.2005 and no extension of any sort should be given to any school and further instructed to Shri Chhatwal and Shri D.Suresh that they should instruct their officer to prepare comprehensive statements and placed the same before the Court on the next date of hearing giving the particulars of the schools which are being run in residential building and against the norms laid down by the Govt.”

Orders dated 11.02.2005

“Sarv Shri Deepak Sharma, Jaswant Singh and Ms. Rita Kohli have

produced before the Court statements showing the number of vacant seats in different Government schools in the two States and Union Territory, Chandigarh. The statements are taken on record.

Having gone through the contents of the statements furnished by the learned counsel, we direct the concerned authorities of the Education Department of the two States and Union Territory, Chandigarh to issue a public notice and get the same published in leading newspapers of Punjabi, Hindi and English languages giving the number of vacant seats in Government schools so as to enable the parents of the students admitted in the private schools that their wards can be admitted in Government schools as a result of closure of the private schools unauthorisedly running in residential premises. The required notices be published within a period of 15 days from today.

The case be listed on 28.2.2005.

In the meanwhile, the governments of the two states and Administration of Union Territory, Chandigarh should ensure that adequate number of teachers are available in Government schools for teaching the students, who are likely to be admitted in the session 2005-2006.”

Orders dated 01.03.2005

We have heard the learned counsel for the parties.

Mr Shallender Sharma, Advocate has pointed out that despite the orders of the Division Bench dated 3.12.2004 the petitioner school has not been given alternative land for the purpose of construction of a school building, although they have been called upon to shift the school from the present premises. Mr Aman Chaudhary, the learned counsel appeared for HUDA states that all schools were invited to participate in an auction but the petitioner did not do so and in that situation, he cannot raise a grievance before this Court. Mr. Sharma appearing for the petitioner while admitting that the auction had been held stated that the place for the plots has been exorbitantly fixed and it was not possible for school to bid in the open auction for the sites. He also says that in view of this development, the petitioner would file a writ or take recourse to such other proceeding that may be open to him challenging the price fixed for the sites. As far as the State of Haryana is concerned, communication dated 24.10.2004 from the Director Secondary Education to the Advocate General shows that alternative arrangements are being

made or have been made to adjust children studying in private schools, Government schools or aided schools. Mr Ashok Aggarwal also states that a policy for allotting school sites would be formulated within a reasonable time.

Mr. Deepak Sharma, Advocate appearing for the Union Territory makes a statement in terms of the statement of Mr. Ashok Aggarwal. Mr Amol Rattan, DAG appearing for the State of Haryana states that a policy has been formulated for the allotment of school sites.

We are the opinion that as this matter has been pending for the last more than 8/9 years, the matter should be finally closed. We, however, direct the petitioner and respondents to comply the stipulations/directions given by the Court during these proceedings from time to time.

Writ petition is accordingly dispose of as infructuous.