

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 19329 of 2010

DATE OF DECISION : MARCH 20, 2012

KARAN SINGH

..... PETITIONER

VERSUS

STATE OF HARYANA & ANR.

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI, CHIEF JUSTICE
HON'BLE MR. JUSTICE MAHESH GROVER

PRESENT: Mr. RS Dhull, Advocate, for the petitioner.
Mr. Narender Hooda, Senior Additional Advocate
General, Haryana.

RANJAN GOGOI, C.J. (Oral)

This Public Interest Litigation has been filed seeking appropriate orders from the Court interfering with the alleged inaction of the respondents for not sanctioning and filling up 1542 posts of Headmasters of Government Middle Schools despite the approval of the Chief Minister. A further direction for creation of the required number of posts of Headmasters in the Government Middle Schools so as not to leave any school without a Headmaser has also been prayed for.

On the strength of several orders passed by the Court from time to time, the Director Secondary Education, Government of Haryana has filed an affidavit dated 20.3.2012 in Court today. A reading of the said affidavit would go to show

that, according to the Director, with the coming into force of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'the Act') a total of 5548 posts of Headmasters of Government Middle Schools are required to be filled up so as to comply with the provisions of the Act. In para-2 of the affidavit, it has been stated that the Finance Department has sanctioned the creation of 5548 posts of Headmasters on 6.3.2012 and the said posts will be filled up by promotion from the category of Masters. In the affidavit it is further stated that the process for filling up the posts has been taken up and the same is likely to be completed within three months.

In view of the aforesaid stand taken in the affidavit filed by the Director Secondary Education, Government of Haryana we are of the view that no further order or direction from the Court will be called for as the State has worked out the number of posts that are required to be filled up so as to comply with the provisions of the Act and has taken steps to fill up the said posts. The State should abide by the said statement made before the Court which really partakes the character of an undertaking to the court.

We, therefore, close this writ petition by directing the State to adhere to its stand indicated in the affidavit and to complete the process within the time frame mentioned therein. We also make it clear that any major departure from the aforesaid stand of the State will be construed by the Court to be a violation of the present directions for which the concerned

authority/department will be held liable if the occasion so arises.

The Public Interest Litigation stands disposed of in the above terms.

(RANJAN GOGOI)
CHIEF JUSTICE

March 20, 2012
Kang

(MAHESH GROVER)
JUDGE