

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(Through Video Conference)

EMG-WP(C) No. 23/2020,
EMG-CM No. 44/2020 &
EMG-CM No. 45/2020.

Satvinder Singh

.....Petitioner (s)

Through :- Mr. Sachin Gupta, Advocate
(on Video Call from residence in Jammu)

V/s

Presentation Convent Senior Secondary
School and another

.....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

EMG-CM No. 45/2020

The instant application has been filed by the petitioner seeking extension of time for filing the affidavit, stamp and court fee etc in support of writ petition. For the reasons stated in the application, the same is **allowed**.

The petitioner shall do the needful within a period of three days from the opening of lockdown.

Application is, accordingly, **disposed of**.

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Learned counsel for the petitioner submits that the functions of the respondents are akin to those, as are being performed by the State in its

sovereign capacity. As such, the Court can take the cognizance of the matter under Article 226 of the Constitution of India. Taking note of the Apex Court Judgments in case titled "*Ramesh Ahluwalia Vs State of Punjab*" reported in 2012(12) SCC Page 331 and case titled "*Marwar Balika Vidyalaya Vs Asha Srivastava & others*" reported in 2019(4) Scale Page 600 and without commenting upon the maintainability of the writ petition against the private un-aided schools, let a notice be issued to the respondents in the main petition as also in application seeking interim relief through e-mail for filing objections by or before the next date of hearing. The notice be issued through e-mail, after the e-mail ID of the respondents is furnished by the learned counsel for the petitioner to the Registrar Judicial.

List again on 01.06.2020.

(RAJNESH OSWAL)
JUDGE

Jammu
15.05.2020
(Muneesh)