

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.129

CWP-21506-2022 (O&M)
Date of decision : 19.09.2022

Recognized Affiliated School Association (Regd.) and another Petitioners

VERSUS

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Aashish Chopra, Sr. Advocate with
Mr. D.S. Gandhi, Advocate, for the petitioners.

Mr. Ferry Sofat, Addl. AG Punjab, for the respondents.

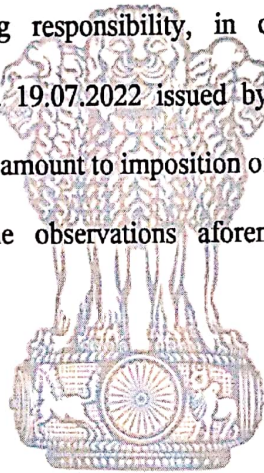
SUDHIR MITTAL, J. (Oral)

The petitioners are aggrieved because of communication dated 05.05.2022 addressed by the District Education Officer, Gurdaspur and communication dated 19.07.2022 issued by the Chairman, Punjab State Commission for Protection of Rights of Children (hereinafter referred to as the Commission). Vide the communication dated 05.05.2022, the District Education Officer has written to all private schools that transport used to carry the students would be the responsibility of the school and the school would be responsible for wrong parking of the vehicles and for non-compliance with the Safe School Vahan Scheme. Vide communication dated 19.07.2022, the Commission has directed all the District Education Officers to ensure that transport used to carry students adheres to the Safe School Transport Policy and in case of an accident, the Head of the school would be responsible.

Learned senior counsel for the petitioners has argued that imposing of criminal liability vicariously upon the Head of an institution is illegal because according to the settled law, such liability cannot be vicarious.

The submission cannot be accepted because a perusal of the communications aforementioned only indicates that the Head of the institution has been made responsible for ensuring that all vehicles used by the school for transportation of children, adhere to the Safe School Vahan Scheme. The observation regarding responsibility, in case of accident mentioned in communication dated 19.07.2022 issued by the Commission, has to be so construed. It does not amount to imposition of a vicarious liability.

With the observations aforementioned, the writ petition is disposed of.



(SUDHIR MITTAL)
JUDGE

19.09.2022
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No