

HARYANA PROGRESSIVE SCHOOLS CONFERENCE VERSUS
UNION OF INDIA AND OTHERS

Present: Mr. Rohit Sud with Mr. Gaurav Arora, Mr. Ishan and Mr. Sameesh Bassi, Advocates for the petitioner.

Mr. Priyavrat Parashar, AAG, Haryana-State.

Learned counsel for the petitioner, inter alia, contends that the petitioner had earlier approached this Court by way of **CWP No. 17416 of 2026**, seeking protection against the requisition/deployment of the teaching staff of private unaided schools represented by the petitioner for Census duty. The said writ petition was disposed of on 29.05.2026 as withdrawn, with liberty to the petitioner to file a fresh petition in case it was again called upon to send the staff of its schools for Census duties. It is submitted that the present petition has been necessitated on account of the subsequent communications issued by the respondents calling for the details of teachers working in private and Government schools for Census 2027.

Learned counsel further contends that the respondents have no statutory authority under the Census Act, 1948, or the Rules framed thereunder to requisition the teaching staff of private unaided schools for appointment as Enumerators or Supervisors for Census duty. He submits that Section 4A of the Census Act specifically contemplates making available officers and staff of local authorities for census-related work, whereas private unaided schools and their employees do not fall within the definition or scope of a “local authority”. It is, therefore, contended that the impugned communications, whereby the respondents have sought details of

teachers working in private unaided schools for their deployment for Census duty, are without jurisdiction and authority of law.

Learned counsel further submits that the impugned action amounts to an impermissible interference with the petitioner's right to administer and manage the educational institutions represented by it and also affects the autonomy of such private unaided institutions in the matter of deployment of their teaching staff. It is contended that the teaching staff of private unaided schools cannot be compelled to undertake duties wholly unconnected with teaching in the absence of clear statutory authority. Learned counsel submits that the action of the respondents is also violative of the constitutional protections relied upon by the petitioner, including Articles 14 and 19(1)(g) of the Constitution of India.

Learned counsel submits that the private unaided schools represented by the petitioner do not fall within the ambit of “local authority” and, consequently, the respondents cannot, merely by way of administrative instructions or communications, enlarge the statutory power conferred by Section 4A of the Census Act so as to include the teaching staff of such institutions. It is accordingly contended that the petitioner has made out a *prima facie* case for grant of interim protection.

Learned counsel further places reliance upon the judgment of the Eleven-Judge Constitution Bench of the Hon'ble Supreme Court in ***T.M.A. Pai Foundation and others v. State of Karnataka and others***, (2002) 8 SCC 481, particularly paragraph 54 thereof, to contend that private

unaided educational institutions have a degree of autonomy in the matter of their administration and management, and that regulatory measures cannot transgress such autonomy. Learned counsel submits that compulsory deployment of the teaching staff of private unaided schools for duties unconnected with teaching, in the absence of clear statutory authority, would amount to an impermissible interference with such autonomy.

Notice of motion for **29.04.2027**.

Learned State counsel accepts notice on behalf of the respondents-State and prays for time to file reply.

Reply, if any, be filed in the Registry of this Court at least seven days before the next date of hearing, with an advance copy to learned counsel opposite.

In the meantime, operation of the communications dated 01.09.2026 (Annexure P-6) and 07.09.2026 (Annexure P-7), *qua* private unaided schools, shall remain stayed.

(HARPREET SINGH BRAR)
JUDGE

08.10.2026
PC