

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.12260 of 2011

Date of Decision.10.02.2015

M/s GNE Infotech and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Present: Mr. Subhash Ahuja, Advocate  
for the petitioners.

Mr. Ranbir Singh Pathania, DAG, Punjab.

Mr. Puneet Sharma, Advocate  
for respondent Nos.2 to 4.

Mr. Satish Singla, Advocate  
for respondent No.6.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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**K. KANNAN J. (ORAL)**

1. The petitioners make an attempt to seize a monopoly for education in the State of Punjab. The cause for the writ petition is the advertisements issued by the Punjab Technical University Distance Education mode for starting additional learning centres in the places mentioned in the advertisements. The petitioner's case is that the Distance Education Council had passed resolution in the year 2009 that session 2009-2010 learning centres will be started only in places where there are already none or where there already exists centres but they are closed. The petitioner's grievance is that the places now notified are

places where learning centres are already being run and therefore, there cannot be any justification to start learning centres in those places where the petitioners are operating. The counsel would refer to the fact that in the reply of the University, they have only stated that the decision of the Distance Education Council is mere advisory in character and the University had taken the decision to start the learning centres at the places notified which it is competent to do. In the reply there is no material brought to show that the decision or resolution of the Distance Education Council is mere advisory and there was no decision taken by the Board of Governors to approve of the Council's resolution.

2. The counsel appearing on behalf of the University points out that the particular resolutions which the petitioners refer to in the petition relate to the policy for the session 2009-2010 and those resolutions cannot operate for the current session 2011-2012 which are impugned through the writ petitions. I will find a merit in the argument that the resolutions passed on 05.03.2009 makes a specific limitation of the policy for session 2009-2010 and I will find that it cannot be used at all times to come. Further, I will not also find any justification for the petitioners to say that the University cannot decide where it will open its learning centres. There is also a contention taken by the University that as per their own claims as set out in Annexure R2/1, the stipulated total area for the learning centre is 2500 sq. ft. and the students which can be more than 250. The University points out to some amongst the petitioners who have more than 250 students and it was essential for the University, therefore, to ensure that appropriate norms are maintained and the decision to start new learning centres became imperative in view

of the fact that there was a large crowding in some of the centres. The respondent would also contend that the petitioners themselves were not barred from applying under the notification and to seek for opening additional centres in their own respective places. They have not opted to do so but they had only bring a challenge to the Court that the University cannot open new centres.

3. Education is an important tool of progress and if the University decides to increase its learning centres, I would leave it to the best wisdom of the University to decide where the centres will be located. I find no merit in the writ petition for intervention in the manner sought for. The writ petition is motivated and ill-advised and therefore, it is dismissed.

**(K. KANNAN)**  
**JUDGE**

**February 10, 2015**  
Pankaj\*