

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.12089 of 2014

Date of decision: 02.02.2015

Nancy College of Education

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. D.S. Patwalia, Senior Advocate,
with Mr. Sehaj Bir Singh, Advocate,
for the petitioner.

Mr. Ranbir Singh Pathania, DAG, Punjab.

Mr. Shakti Kaushik, Advocate,
for Mr. Vinod S. Bhardwaj, Advocate,
for NCTE.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The writ petition has challenged a notice of withdrawal of recognition issued on 10.06.2014, pending a contemplated issue to show cause notice for withdrawal of permission, purporting to act on a complaint raised by respondent No.6-a private individual that the petitioner-college is located at their own property by giving a false representation as to ownership. Admittedly, the College is being run, conducting B.Ed. Courses after affiliation from the

University taken on 28.01.2008. Even the 6th respondent who raised the dispute is reported to have withdrawn the complaint and informed the NCTE of his intention to withdraw, a copy of which is also placed on record as Annexure A2. A police complaint which is said to have been filed has also given place subsequently to a compromise between parties, a copy of which is also filed before the court and appended as Annexure A1.

2. On 11.07.2014, this court, while passing an interim order allowing the petitioner-institute to carry out their admissions and staying the impugned order, had taken note of two of the contentions made on behalf of the petitioner: (i) no notice to show cause against the withdrawal of recognition was given; (ii) refusing recognition could be effective only from a next academic session pertaining to the date of communication of such order and the decision for withdrawal recognition to be effective immediately from the current academic session itself was bad. The court had allowed the admission to be provisional.

3. At a previous hearing on 25.09.2014 when the letter of withdrawal of complaint and the compromise between parties had been referred to, I had directed NCTE to take the response given by the petitioner in the light of subsequent events as well and take an appropriate decision and granted sufficient time of more than 4 months. Today the counsel for NCTE still seeks for time and

submits that he is without instructions of whether any decision is taken or not. Laches on the part of the respondent is writ large and I do not believe that the NCTE should be given any further time to take such a decision and of what ought to be merely a cosmetic exercise considering the untenability of the order that has already been passed. An occasion given to correct its own error has not been made use of by NCTE. The impugned order of withdrawal of recognition and withdrawal of permission to carry on with the admission to the college is quashed and the writ petition is allowed with costs assessed against the NCTE at ₹10,000/-. In the light of the decision taken, the provisional admissions which were permitted to be made are made final and regularized.

(K.KANNAN)
JUDGE

02.02.2015
sanjeev