

CWP No.18925 of 2014 (O&M)

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

**CWP No.18925 of 2014 (O&M)
Date of decision:29.04.2015**

Amarjeet Education Society

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.K.Malik, Senior Advocate, with
Mr. Rakesh Nehra, Advocate, for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

Mr. D.S.Rawat, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the letter dated 07.06.2014 by which affiliation granted to the petitioner has been withdrawn and for the issuance of a writ in the nature of *mandamus*, directing the respondents to restore the affiliation of the petitioner and to allow the petitioner-society to hold the admissions for Veterinary Live Stock Development (VLD) Diploma Course for the session 2014-15.

In brief, the petitioner-society applied for grant of affiliation to respondent no.3 for starting the VLD Diploma Course of 2 years with an annual intake of 90 students. It is alleged that a team constituted by

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respondent no.3 visited the college, approved the infrastructure and instructional faculty of the petitioner-institute. Respondent no.2 granted recognition to the petitioner for starting the course and issued NOC vide its letter dated 24.07.2012. Thereafter, the petitioner moved an application for affiliation from respondent no.3, which was granted on 21.12.2013 for the session 2014-15. The petitioner also deposited the affiliation fee on 07.05.2014. It received the impugned letter dated 07.06.2014 by which they were informed that the affiliation granted on 21.12.2013 has been withdrawn till the Inspection Committee re-visits the college to ascertain the discrepancies observed on the previous visit of the Committee on 24.05.2014. This letter/order is under challenge in the present petition on the ground that the affiliation has been withdrawn without hearing.

Respondent No.3 has averred that the petitioner has played a fraud at the time when the affiliation was granted on 21.12.2013. The facts which compelled the respondent no.3 to withdraw the affiliation till the surprise check is conducted are reproduced in the reply, which are as under:-

“Report on the Inspection of S.S.A.S.M. Veterinary Institute, Chhuchhakwas (Jhajjar) by the Inspection Committee on 24th May, 2014.”

The following committee constituted by the worthy Vice-Chancellor visited the institute on 24th May, 2014 at 11.00 A.M. to inspect documents and facilities pertaining to infrastructure, academic etc. of the institute:

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|--------------------------------------|-----------|
| 1] Dr. R.A. Luthra, Director, IVS | Chairman |
| 2] Dr. R.P. Gupta, Prof. Vety. Path. | Secretary |
| 3] Dr. Dipankar, Sr. Scientist, LPM | Member |

4] Dr. Manoj Rose, Assoc. Prof. Member

The observations of the committee are as under:-

1. Infrastructure facilities with respect to administration block, academic block and veterinary hospital, hostel and play grounds were adequate. However, facilities available in library and laboratories could not be inspected because they were locked and keys were not available with them as they were in the custody of staff members who were on leave.
2. Animal farm was not maintained properly and there was no animal and bird in the farm. Only "Wheat Busha" was stored there. It appeared that animals/birds were not kept there since long.
3. They provided list of 22 non-teaching staff and 6 faculties including the Dean but records of attendance, salary etc. were not shown with the plea that these records were in the custody of attendant who was on leave. Out of total staff, only two faculty members and the Dean were present on that day. Leave records/applications of absentees were not available.
4. Attendance register of the students and records of fee receipt were not shown with the plea that these records were in the custody of staff member who was on leave. The Dean told the committee that they have 180 students at present (90 students of 1st year admitted in the year 2013-2014 and 90 of 2nd year admitted in 2012-2013). No student was present when the committee visited the institute.
5. There was no board indicating the name of the institute in front/entry of the building. However,

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there was a board in the name of BDM college which indicates that some other activities are going on in this building in addition to VLD Diploma Course.

The committee is of the opinion that the institute may not be given affiliation to carry out VLD Diploma Course until the above discrepancies are rectified.”

As soon as the fraud came to the notice of the respondent No.3, the impugned letter/order was passed informing the petitioner that the affiliation is withdrawn temporarily till the Inspection Committee re-visits the petitioner-institute to ascertain the discrepancies observed here-in-above.

Although learned counsel for the petitioner has argued vehemently that the respondents have violated the principles of natural justice while withdrawing the affiliation as no opportunity of hearing was given to it and has relied upon a decision of the Supreme Court in the case of **Shivagangairi Vidyabiruddi Samste v. State of Karnataka and other**, 2012 AIR (SC) 381, but keeping in view the facts and circumstances which are glaring in the surprise check during which the Committee had found that out of the total staff, only 2 members of the faculty were present; no student was present in the college out of 180 students and whatever documents were asked for by the Committee, the petitioner had replied that the concerned persons, having custody of the registers/documents, is on leave, there was no other alternative with the respondent no.3 but to withdraw the affiliation temporarily till the Inspection Committee re-visits the petitioner-institute to

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ascertain the discrepancies observed on 24.05.2014.

In view of the above, I do not find any merit in the present writ
petition and hence, the same is hereby dismissed.

April 29, 2015
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(Rakesh Kumar Jain)
Judge