

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8889 of 2014 (O&M)
Date of decision: 29.01.2015

Nancy College of Education

... Petitioner

versus

SCERT Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rahul Sharma-I, Advocate, for the petitioner.
Ms. Vandana Malhotra, Addl. Advocate General, Punjab.
Mr. Naveen S. Bhardwaj, Advocate, for respondent No.2.

K.Kannan, J. (Oral)

The petitioner had come to the court with three prayers including the prayer for compensation while seeking for permission to admit students while the principal prayer was for consideration for grant of recognition by NCTE. The necessary applications had been pending for admission for the year 2011-12 and for subsequent years. The recognition had been given only for the year 2014-15 and through an intervention of the Hon'ble Supreme Court order passed on 28.06.2013, the NCTE had been directed to grant recognition for admission to D. El. Ed. Course for the year 2013-14. The NCTE had taken its decision only on 22.05.2014 for admission for the year 2014-15. The delayed decision had made impossible for the petitioner-College to make admission to students for the year 2014-15.

The learned counsel appearing on behalf of the petitioner states that while the principal prayers for grant of affiliation have been answered, the petitioner must have the benefit of claiming the amount of what it had lost by what, NCTE omitted to do. The schedule laid down under the NCTE Act gives the timeline for submission of

application for recognition and its consideration was to be before 3rd March for each year. Consequently, if the formal order of recognition had to be given for academic year 2014-15 it should have happened before 3rd March, 2013 itself. If the order could not be made by 3rd March but the Hon'ble Supreme Court made possible such an order to be issued by its own order on 28.06.2013, the decision from NCTE must have ensued within a reasonable time from the date of the Hon'ble Supreme Court order. To the claim for compensation made by the petitioner for the wanton delay, there is no reason given which explains the cause for such delay. The petitioner's grievance is that it had been sanctioned to admit 50 students and on the stipulated fee which is leviable, the College would have collected ₹ 20, 80,000/-. According to the counsel the infrastructure was available and the teachers were also there who drew their salary. Considering the view that they would have been recording their expenses for running the courses full steam, after deducting an amount of Rs. 5,30,000/-, I shall award Rs. 15,00,000/- as compensation to the petitioner against the 2nd respondent. This flows as a necessary consequence to the failure of the authority to act in the manner which is required to be done as per the schedule. That the omission must be taken as a actionable wrong to which the petitioner shall be duly compensated. The writ petition is allowed on the above terms with the direction to make the payment within the period of four weeks on pain of being proceeded against for disobedience, if the order is not complied with.

The writ petition is allowed on the above terms.

29.01.2015
Kumud

(K.KANNAN)
JUDGE