

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

**CWP No. 7949 of 2015
Decided on : 10.08.2015**

Dharmendra Gupta

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Petitioner-Dharmendra Gupta in person.

Mr. Vikas Malik, DAG, Haryana
for respondent No.1.

Mr. Brijender Kaushik, Advocate
for respondents No.2 and 3.

G.S. Sandhawalia , J. (Oral)

Present writ petition has been filed for directing the respondents to allow the petitioner to attend the classes of Bachelor of Technology (Electronics and Communication Engineer, 8th Semester and for arranging special classes after 20.09.2014 with a further prayer for providing special assistance for making assignment internal viva project, assignment practical etc.

The petitioner claims that he belongs to extremely backward class of Bihar. He has paid ₹ 1,08,000/- as fee and ₹ 45,000/- as hostel fee for the 1st year and taken admission with the respondents No.2 and 3, in an Engineering course.

It has to be noticed that earlier the petitioner had

approached this Court through CWP No. 9908 of 2014 and prayer was that he was not being permitted to sit in the 6th semester in B.Tech on account of non-payment of fees. His scholarship stood sanctioned to the tune of ₹ 75,000/- by the Government of Bihar but could not be released on account of implementation of Code of Conduct due to Parliamentary Elections, 2014. It is further to be noticed that an undertaking was also given that in case the amount is not paid on receipt from the State Government of Bihar or not paid by the petitioner on his own account at a subsequent stage, the result of the petitioner may not be declared.

Keeping in view the prayer made, this Court vide interim order dated 21.05.2014 had permitted to the petitioner to sit in the examination. However, it had been directed that the result of the petitioner be not declared till the decision of the writ petition. The said writ petition was, thereafter, disposed of on 12.11.2015 by confirming the said order.

In the written statement now filed, the respondent-Institute has pointed out that a sum of ₹ 2,08,810/- is due as on 29.05.2015 and, therefore, the final order dated 12.11.2014 passed by this Court still holds good and the result is not likely to be declared.

Accordingly, it is submitted that the fees has not been deposited and petitioner cannot be allowed to sit the next semester.

Though the petitioner has also impleaded the State of

Bihar through its Secretary Education, which has been proceeded against ex parte, but nothing concrete has been shown what is the quantum of the scholarship which is alleged to have been sanctioned in favour of the petitioner and by what time the same is liable to be paid.

In such circumstances, in the absence of the fee not being paid, the petitioner's prayer for permitting him to attend further classes and for arranging special classes cannot be accepted. Nothing could be shown as to whether the petitioner has some right to higher education and that the State is to provide for the same or that the private institute is bound to grant the benefit de hors of any payment.

In such circumstances, no relief can be granted to the petitioner and the present writ petition is dismissed accordingly.

AUGUST 10, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE