

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

CWP No. 8907-2015 (O&M)

Date of decision : 02.07.2015

Desh Bhagat Dental College and Hospital, Shri Muktsar Sahib

.....Petitioner

vs

State of Punjab & another

.....Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present : Mr. Kumar Vishav Aggarwal, Advocate
for the petitioner.

Mr. Manish Dadwal, Advocate
for respondent No.2.

Rakesh Kumar Jain, J. (oral)

The petitioner Institute has challenged the validity of the letter dated 23.02.2015 (Annexure P-3) by which penalty of ₹ 1,00,000/- has been imposed on it for wrong admission.

Counsel for the petitioner has submitted that as per instruction (Annexure P-6), the college concerned was to admit only the eligible students and in case any wrong admission is made, the entire responsibility is to fall upon the college concerned and in that eventuality, the college shall have to pay a penalty of ₹ 10,000/- per candidate admitted wrongly.

The grievance of the petitioner is that the respondents had imposed the penalty of ₹ 1,00,000/- contrary to the instructions which provide for penalty of ₹ 10,000/-, which it is ready to pay.

After notice, respondents have filed reply and relied upon the minutes of 41st meeting of the Board of Management held on 1.3.2015, in which it was resolved as under :-

“Considered and resolved : That orders of Worthy Vice-Chancellor vide which he has enhanced the penalty from Rs. 10000/- to Rs. 100000/- per candidate to the college for making admission by violating of rules/regulations/procedure of Punjab Government/University be ratified”

It is submitted that the said decision has been taken on 1.3.2015 whereas the penalty was imposed on 23.2.2015.

The sum and substance of the submission is that the said decision cannot operate retrospectively.

Counsel for the respondent University has submitted that as per Section 15(2) of the Baba Farid University of Health Sciences Act, 1998 (for short 'the Act'), the Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University under the Act and shall inform such authority, the action taken by him on such matter and obtain ratification for the same, provided that, if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor, whose decision thereon shall be final.

It is further submitted that Section 15(1) of the Act provides that the Vice-Chancellor of the University would be the principal executive and academic officer of the University and shall exercise supervision and control over the affairs of the University and give effect to the decision of all the authorities of the University. He shall exercise all powers, necessary for due maintenance of discipline in the University.

Counsel for the respondent has read over the order dated 19.2.2015 purported to have been passed by the Vice-Chancellor in respect

of Komalpreet Kaur. The order of the Vice Chancellor has been ratified in the 41st meeting of the Board of Management held on 01.03.2015 vide which decision was taken by the Vice Chancellor enhancing the penalty from ₹ 10,000/- to ₹ 1,00,000/-. In view of the fact that Section 15(2) of the Act empowers the Vice Chancellor to take action which is necessary on any matter and the said action if ratified would come into being.

In view of the aforesaid, I do not find any merit in the writ petition and the same is dismissed.

The petitioner may deposit ₹ 1,00,000/- towards penalty alongwith late fee in respect of the case of Komalpreet Kaur whose exam is to be held tomorrow.

(Rakesh Kumar Jain)
Judge

02.07.2015
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