

IOIN-CWP-14070-2013

Anand College of Education vs. NCTE & ors.

Present: Mr. Sameer Sachdeva, Advocate,
for the petitioner.

Mr. Amrit Paul, Advocate,
for respondent No.2.

CWP No.14070 of 2013 filed by the petitioner-college was dismissed by this Court on 26.08.2013 with costs of ₹1,00,000/- which was ordered to be deposited with the State Legal Services Authority, Punjab, within a period of 3 months because the Court was of the view that the petitioner had deliberately appended the Regulations of 2007 with the writ petition filed on 03.07.2013 to mislead the Court, though the said Regulations were superseded by the Regulations of 2009. The review application No.367 of 2013 was dismissed on 27.09.2013.

The petitioner challenged the order dated 26.08.2013 by way of LPA No.1776 of 2013, in which the following order was passed on 11.10.2013:-

“After some arguments, learned counsel for the appellant does not press the applications or the appeal as he submits that there was possibly a mistaken understanding as his case rested on 2009 Regulations, though he concedes that 2007 Regulations were annexed. He submits that he will make the prayer before the learned single Judge including qua the costs imposed.

Dismissed as withdrawn in terms aforesaid.”

The petitioner then filed CM No.16949 of 2013 for waiver of costs, which was dismissed on 28.11.2014. The petitioner filed another LPA No.175 of 2015 against the order dated 26.08.2013 and the order dated 28.11.2014, which was disposed of giving liberty to the petitioner to move yet another application before this Court for waiving the costs, however, no

IOIN-CWP-14070-2013

- 2 -

opinion was expressed on merits. This petition has thus been listed before this Court as an IO in the writ petition.

The petitioner has prayed that the costs imposed by this Court may be waived in the interest of justice.

After learned counsel for the parties and examining the entire record, I am of the considered opinion that the petitioner, being a college, very well knew that Regulation of 2007 were superseded by Regulations of 2009 especially when the writ petition was filed on 03.07.2013 but in order to procure a non-deserving benefit, misled the Court by appending the Regulations of 2007, which suited it. This Court had already dismissed the review application filed by the petitioner on 27.09.2013 and CM No.16949 of 2013 for waiving the costs on 28.11.2014, against which the petitioner had filed two appeals bearing LPA No.1776 of 2013 and LPA No.175 of 2015 but without any success. Therefore, there is hardly any reason for this Court to change its order of imposition of costs especially when the petitioner is a college who has tried to mislead the Court.

Consequently, the prayer made by counsel for the petitioner is hereby declined.

November 17, 2015
vinod*

(Rakesh Kumar Jain)
Judge