

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

**CWP No.12876 of 2016
Decided on :22.10.2016**

Punjab Private Self Financed Dental Colleges Association

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present : Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. S.S. Chandumajra, Addl. AG, Punjab
for respondent No.1.

Mr. Nitin Kaushal, Advocate
for respondent No.2-University.

G.S. Sandhawalia, J. (Oral)

The petitioner-Association which is concerned with the Colleges conducting the BDS course had approached this Court on the ground that the respondent No.2 was making centralized admissions, which led to the non-filling up the seats with the colleges of the Association. Also that on account of the centralized counselling, which was conducted by respondent No.2-University, the fee was being kept by the said University and not being remitted to the respective colleges within a reasonable time, which led to loss of interest and other financial implications on the said institutes.

The matter was kept pending on account of connected disputes, which were pending before this Court, specially regarding the issue of the declaration of results and whether the same was valid, since the percentile

method had been adopted instead of the percentage method, as has been propounded by the various students, who had claimed that they were aggrieved.

Thereafter, various affidavits have been filed by the respondent-University, in compliance of the directions issued by this Court to show that how many seats had been filled up of the Management Quota and whether the respondent-University was making efforts to fill up the seats and the colleges should not be prejudiced on any account.

On 28.09.2016, it was noticed that the affidavit of the Registrar had been filed, wherein details have been given on the vacancy position both in the Management Quota and the Government Quota for the academic session. It was also noticed that for the BDS course extension has been granted by the Apex Court and resultantly it had been noticed that all efforts should be made to fill up the BDS seats, which are subject matter of controversy. Fresh affidavit had also to be filed, which was thereafter filed, showing that out of 516 seats vacant in the BDS course, 121 seats were of the Government Quota and 395 were of the Management Quota as per Annexure-B.

Keeping in view the above breakup, *prima facie* this Court does not at this stage feel that the petitioner-Association has been prejudiced in any manner. It is a matter of fact that candidates would always prefer Government colleges on account of lower fees in the course. 121 seats as noticed have gone vacant in the Government Quota also. The grouse of the petitioner-Association that 395 seats have gone

vacant on account of the inaction of the State, thus does not as such *prima facie* convince this Court that the action of the University was such done malafidely in respect of the petitioner-Association.

Counsel for the petitioner, however, submits that in view of the various documents now furnished, petitioner-Association should be given permission to seek his remedy in accordance with the law that the exercise is not bonafide and even counselling was not held on 07.10.2016 as had been extended by the Apex Court and resultantly admissions were not made and the colleges have been put to unnecessary financial loss.

Accordingly, the petitioner-Association is given liberty to take resort to its appropriate proceedings before the competent Court of jurisdiction for the necessary relief, if so desired.

Regarding the prayer of the remittance of the fee and the delay, specific averments have been made in Paragraph No.6 of the petition that for the many months for the previous years, the fee had been retained on account of the students who had been admitted in the private institutions. Reference had also been made to Annexure-A alongwith Annexure P-2 which is a chart to show that the fee was disbursed after a period of approximately 3 years and more in some cases.

There is no specific denial to these averments made in Paragraph No.6 of the short reply filed by the respondent-University.

In such circumstances, the prayer of the petitioner-Association is valid. The writ petition is accordingly allowed to the extent that the respondent-University shall remit the fee qua the

admissions made in the private institutions of BDS course within a period of two weeks from the receipt of the certified copy of this order.

In case, the same is not done, the petitioner-Association is entitled to claim interest @ 8% per annum from the said date till the date of payment.

With the abovesaid observations, the present writ petition is disposed of.

OCTOBER 22, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No