

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

CWP No. 21486 of 2015
Date of decision: 23.08.2016

Shaheed Capt. D.K. Khola College of Management and Technology

....Petitioner(s)

Versus

Maharshi Dayanand University, Rohtak and another

...Respondent(s)

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

Present: Mr. Praveen Gupta, Advocate,
for the petitioner.

Mr. Amit Rao, Advocate,
for Mr. Anurag Goyal, Advocate,
for respondent no. 1-MDU.

Mr. S.K. Sharma, Advocate,
for respondent no. 2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 03.08.2015 (Annexure P-13) of the respondent no. 1-university conveyed vide letter dated 19.08.2015 (Annexure P-14) whereby, the petitioner was imposed a penalty of reduction of seats by half from 60 to 30 for admission to MBA course for the session 2015-16. In addition to that, a penalty of ₹2,00,000/- had also been imposed vide the above said decision.

The petitioner had approached this Court on 08.10.2015 and at that point of time, stay was only granted regarding deposit of ₹2,00,000/-. Reliance had been placed upon pendency of CWP No. 18699 of 2015, in which, similar issues were arising since the respondent-university had passed similar orders regarding various institutes. It is not disputed that in the case of the petitioner itself for the course of B.Ed., M.Ed. also, similar controversy had arisen whereby, seats had been reduced and penalties had

been imposed.

It is not disputed that the said cases were being heard together and the lead case at one point of time was CWP No. ***17828 of 2015, OGIS Education Society vs. Maharshi Dayanand University and another***, which now stands decided on 25.02.2016. A detailed order had been passed in the said case. It was noticed that the recommendations of the Academic Council had been considered by the Executive Council in its 247th meeting held on 03.08.2015. A lenient view had been taken and the number of seats had been reduced for the colleges for session 2015-16 and penalty had been accordingly been imposed. However, in view of the interim orders passed whereby, admissions had been permitted, in those cases the admissions were regularized however, the penalties imposed were upheld.

The petitioner is also similarly situated to the extent that perusal of the inspection report would go on to show that the faculty for the courses of M.B.A, M.C.A and B.B.A. was not present when the inspection team visited the premises and found that there was neither any student nor teacher present in the college. Neither any record of any student or teacher was produced by the President of the Institution despite repeated demands at the time of inspection on 01.04.2015.

Resultantly, keeping in view the fact that the matter of penalty has been upheld in the case of *OGIS Education society's case (supra)*, no ground is made out for taking a different view.

Accordingly, the writ petition stands dismissed.

23.08.2016
shivani

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No