

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22273 of 2016
Decided on : 22.11.2016

I.P.S.College of Education, Research & Technology, Jind
... Petitioner

Versus

Ch.Ranbir Singh University & others
... Respondents

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

Present: Mr.Arjun Pratap Atma Ram, Advocate, for the petitioner.
Mr.Tribhuvan Dahiya, Advocate, for respondent No.1.
None for respondents No.2 & 3.
Mr.Gaurav Jindal, Addl.A.G. Haryana, for respondent No.4.

G.S. Sandhawalia, J. (Oral)

Petitioner seeks directions for inclusion in the admission process for the session 2016-17 and for permission to fill up seats for the B.Ed course, at its own level.

It is the case of the petitioner that it had been set up in the year 2008 and there was litigation and it had been recognized in terms of the National Council for Teachers Education Act, 1993 (for short, the '1993 Act') for imparting education in the B.Ed course for 2008-09, with sanctioned strength of 100 seats. In 2010-11, the recognition had been withdrawn by the NCTE. On account of the litigation, eventually, Northern Regional Committee, vide order dated 15.07.2015 (Annexure P4), had restored the recognition to 100 seats and for D.Ed to 50 seats.

Admittedly, the petitioner-College has not made admission for the year 2015-16. It is on account of restoration of recognition and the right to admit students which was, as such, inherent, under the 1993 Act,

therefore, the representation dated 09.10.2016 (Annexure P7) was made to the University for inclusion in the IV stage of counselling of B.Ed, to be conducted, which had not been acted upon. Resultantly, this Court had been approached on 24.10.2016.

Respondent No.1-University, in its written statement, has clarified that the admission process started on 18.07.2016 in different phases, for the session 2016-17 and the last date for admission was 28.10.2016, when the process ended. Application for affiliation had not been filed by the petitioner and the classes for the course had already started, now. It has been clarified that application had only been received on 13.10.2016 for being included in the on-going counselling process and it was at the stage of IV phase of counselling. Classes had already started from 01.09.2016 and the annual examinations are slated to start from 01.06.2017, after completion of the requisite 200 days of teaching. It was further clarified that vide order dated 25.04.2016 (Annexure R1/1), State Government had asked the respondent-University to start the process of admission to educational colleges of the State and vide communication dated 07.06.2016 (Annexure R1/2), documents were asked for from the petitioner-College but it had failed to submit the requisite documents including proof/copy of the affiliation letter for the session 2015-16. A list of 482 colleges had been granted affiliation which was placed on the University website but the list do not include the petitioner-College. Non-inclusion had never been challenged and at this belated stage, inclusion is not justified.

The argument which has now been raised by counsel for the petitioner that there is deemed affiliation, does not require any such consideration, in the facts and circumstances of the case as the same is not the issue in dispute. Wayback on 07.06.2016, the University had asked for the complete documents for affiliation. It is not disputed that vide letter dated 25.04.2016, the respondent-University was asked by the Government to start the process of affiliation of Education Colleges in the State, except the constituent college of Education and Departments of other State Universities, as per provisions mentioned in the Chaudhary Ranbir Singh University, Jind Act, 2014 (Haryana Act No.28 of 2014). Firstly, the petitioner-College itself has not approached the University for inclusion in the list of the affiliated colleges for the centralized counselling, at that stage, which was to be done and therefore, no fault, as such, can be found on account of the University. The application for inclusion, at this belated stage, as such, could not be acted upon, in the facts and circumstances of the present case, as the admission process had all but been completed and the University cannot be blamed, in any manner.

In such circumstances, in view of the above discussion, there is no scope for interference under Article 226 of the Constitution of India and the present writ petition is, hereby, dismissed.

NOVEMBER 22nd, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No