

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

CWP No. 23693 of 2015

Date of decision:14.03.2016

Uday Bharti Education Society and another

.....Petitioners

versus

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Narender Hooda, Sr. Advocate with
Mr. Jasbir Mor, Advocate
for the petitioners.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana with
Ms. Gaganpreet Kaur, AAG, Haryana.

Rakesh Kumar Jain, J.(Oral)

The petitioner-society started diploma course of Multipurpose Health Worker(Male) for which they were issued letter of intent on 11.08.2014, thier inspection was carried out on 13.08.2014 which was followed by letter of permission dated 8.09.2014. The petitioner sought permission of admission on 23.12.2014. Thereafter, respondents issued an advertisement in the month of August, 2015 in which the petitioner institute was not shown as one the institute where students could be admitted. The petitioner, thus, filed writ petition bearing CWP No. 16734 of 2015 which was disposed of along with other three petitions on 26.08.2015 in which the following order was passed:-

*“Accordingly, these writ petitions are
disposed of with a direction that the
respondent shall set-up various committees*

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authenticity of this document
Chandigarh

which will inspect the institutes after issuing show cause notice of three days to the petitioner(s)-institutes. The inspection committees will give their report in detail as to facilities available on site. The committees will also give their recommendation whether the shortcomings which are present can be removed within a fixed time frame, where the infrastructure or the faculty is deficient. Thereafter, the respondent No.2 will pass necessary order and detailed reasons will be given in case any adverse order is to be passed while also providing an opportunity of hearing before passing the rejection order, which the petitioner (s) will be free to challenge.”

Thereafter, order was passed by the respondent on 29.09.2015 and an opportunity for personal hearing on 1.10.2015 at 2:00 PM for the purpose of removal of discrepancies was given. The petitioner submitted letter of compliance on 5.10.2015 followed by reminder but respondents did not pass any order and hence, the present petition.

Counsel for the petitioner has submitted that all the discrepancies have been removed by the petitioner but the respondents are not allowing the petitioner to admit students in the aforesaid diploma course and are also not inspecting the institute after the submission of compliance report.

After notice was issued in this case, respondents have filed their reply in which it is averred that even after the inspection on 17.09.2015, the following deficiencies were found in the

institute:-

“1. Though the institute has given a amended building map with correction of necessary physical infrastructure required for individual rooms etc as per policy dated 17.07.2014, the same needs to be done on the site.

2. There are 4 common rooms of 600 sq. Feet, however, 2 rooms of 1000 sq. feet are required.

3. Though the electricity connection has been applied for, the same is not presently available.

4. The institute does not have proper road connectivity.

5. Though the management of the institute has constructed a toilet for specially abled students it is present outside the building which is just not justified.

6. There is no boundary wall.

7. There are no glasses/mirrors in the first floor of the building.

8. The experience of the principal is from a Sr. Secondary School but not from MPHWS/nursing school.”

Counsel for the petitioner has further made an innocuous prayer that the respondents may be directed to inspect the institute to find out as to whether the aforesaid deficiencies have been removed or not because according to the petitioner all the deficiencies have now been removed.

On the other hand, counsel for the respondents has submitted that there is already vigilance inquiry going on against

the petitioner institute as well as some other 14/15 institutes because of contradictory inspection report by the inspecting teams. It is also submitted that final decision would be taken by the respondents after the completion of vigilance inquiry but he has not shown any reservation in inspecting the institute in order to find out as to whether the aforesaid deficiencies are still existing or have been removed.

Consequently, in view of the aforesaid facts and circumstances, the present petition is hereby disposed of with a direction to the respondents to carry out the inspection on 28.03.2016 and thereafter, shall pass an appropriate, order in accordance with law and communicate the same to the petitioner within two weeks thereafter.

14th March, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**