

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

CWP No. 23887 of 2015 (O & M)

Date of decision: 30.03.2016

Bhupesh Bhalla and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. J.S. Khiva, Advocate,
for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

Mr. K.S. Dhillon, Advocate,
for respondents no. 3 and 4.

Mr. L.S. Sidhu, Advocate,
for respondent no. 5.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek quashing of order dated 29.09.2015 (Annexure P-8) passed by respondent no. 4 whereby, the Punjab Technical University, Jalandhar has cancelled the permission given to the petitioners and to respondent no. 5-college for change of stream of Mining Engineering (M.E.) from Automobile Engineering (A.E.). Further direction is sought that the petitioners be allowed to continue their studies in the branch of M.E. with respondent no. 5 or in the alternative, transfer the petitioners to any other college having the said branch.

Counsel for the petitioner, at the outset, submits that the case regarding petitioners no. 6 to 9 has been rendered infructuous and he does not press the present petition on their behalf.

It is the pleaded case of petitioners no. 1 to 5 that they were admitted with the respondent-college in the academic session 2014-15 in the B. Tech course in the branch of A.E. and the admit card for the examination for April, 2015 has been appended as Annexure P-1. For the same academic session 2014-15, respondent no. 2-AICTE had given approval of 60 seats of the course in the branch of M.E. to the respondent-college as per its letter dated 04.06.2014 (Annexure P-2). The Department of Technical Education also gave approval vide letter dated 25.08.2014 (Annexure P-3) for the said posts. The approval was extended for 2015-16 on 07.04.2015 (Annexure P-4) by AICTE. It is the admitted case of the petitioners that however for the year 2014, no admissions were made and they had, on their own, sought admission in the stream of A.E. which was the second best option. On account of opening the online portal for the M.E. for 2015-16, they had sought their branch upgradation “change of branch” which, according to their case, it was permissible as per the Rules of Migration (Annexure P-5) of the respondent-university. The said Rules pertaining to migration have been opposed by the respondent-university as not being relevant. It is further their case that the respondent-university approved the upgradation and change of branch vide order dated 13.08.2015 (Annexure P-6) and accordingly, they took admission in the M.E. course and admit cards were also issued (Annexure P-7). Petitioners no. 6 to 9 are the ones who took admission for 2015-16 directly in the M.E. branch. Thereafter on 29.09.2015 (Annexure P-8), the respondent-university passed the impugned order directing them to join back to the A.E. branch. Resultantly, the present Court was approached.

Respondent no. 2, in its reply, admitted the approval for the two

years and submitted that due to non-affiliation by the affiliating university, the institute has shifted the students from one course to the other.

University, in its reply, on the other hand, clarified that from 01.07.2015, colleges situated in various districts including district Patiala wherein, the respondent-college is situated and who are imparting technical education, were to be admitted to the privileges of the Maharaja Ranjit Singh State Technical University, Bathinda and were not to be associated with the privileges of I.K. Gujral P.T.U., Jalandhar. It is in such circumstances petitioners no. 6 to 9 are no longer connected with the present dispute since they have migrated to the Maharaja Ranjit Singh State Technical University as they had taken admission in the year 2015-16 whereas, the petitioners have taken admission in the previous year and continue to be bound by the affiliation with the P.T.U.

The university's defence is that no syllabus had been framed by it for the M.E. course and, therefore, the permission given was withdrawn. Reference has been made to the Regulations for upgradation of branches (Annexure R-3/2) wherein, the same has to be done by the Principal of the college concerned. Thereafter, the copy of the upgradation was to be sent to the university for approval and record on the next working day. Accordingly, reference is made to the approvals given to various colleges for various courses and to various students vide order dated 13.08.2015. Reference is made that as many as 183 students from various institutes had been allowed the change of branch on the recommendations of the Principal Director of the said institute. Accordingly, the stance of the university is that the permission given was withdrawn on account of the lack syllabus to run the said course since there was no first year batch of the said course and

the students could not be permitted to upgrade to 2nd year of the said course. Reference has been made to the letter dated 14.02.2014 that for the session 2014-15, no such permission had been given. Accordingly, the defence was that once the syllabus had not been framed and lectures had to be attended and in the absence of syllabus, the said petitioners could not be allowed to migrate to the second year of the course. The blame was put on the respondent no. 5 that there was an illegal and mala fide recommendation and it was not disclosed that there was no affiliation or permission to run the said course for the batch starting from 2014-15. When the illegality came to notice, the permission was withdrawn at the earliest.

Counsel for the petitioner has vehemently submitted that the petitioners will stand to lose one year as no examination has been held for the session 2015-16 for M.E.

In view of the factual aspect as has been noticed in the above facts and circumstances, this Court is of the opinion that no directions can be issued as such in favour of the petitioners that they should be allowed to continue with the M.E. course. In view of the order dated 29.09.2015, in the absence of any affiliation of the said course by the University, the petitioners have no such legal vested right to claim the continuation of the studies. The syllabus not being in place and the permission not being granted to respondent no. 5-college to run the course of M.E., the university was well justified in withdrawing permission granted at the earliest within 40 days. In view of lack of infrastructure in place, no directions can be issued for permitting the petitioners to continue to study in the branch of the said course and nor can they be transferred to any other college of the respondent-university. The loss of one academic year on account of the

authorities is an aspect, which can only be decided by a competent civil court, as to the quantum of compensation against both the respondents, the college and the university and on whose account the fault lay.

Accordingly, there is no merit in the present writ petition and the same is dismissed. However, it is open to the petitioners to seek redressal, if they so wish for compensation before the civil court. It is also open to the institute and the respondent-university to permit the petitioners to continue with their original course of A.E. It is further open to the said respondents to make arrangements for the petitioners no. 1 to 5 for extra classes for the second year of A.E. sympathetically, if permissible under the Rules in order to save the valuable academic year of the petitioners and also to avoid unwanted litigation, which they might be burdened with by the petitioners for compensating them for the loss.

Accordingly, the present writ petition is dismissed regarding the reliefs claimed with the aforesaid liberty with the above observations. All interim orders accordingly stand vacated.

30.03.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

