

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

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|--|---|-----------------|
| 1 | LPA-2-2015 (O&M)
Date of Decision: August 30, 2016 | |
| State of Punjab and others | |Appellants |
| Versus | | |
| Kamla Nehru College of Education | |Respondent |
| 2. | LPA-315-2016 (O&M) | |
| State of Punjab and others | |Appellants |
| Versus | | |
| Ramgariya College of Education | |Respondent |
| 3. | LPA-316-2016 (O&M) | |
| State of Punjab and others | |Appellants |
| Versus | | |
| Kamla Nehru College of Education | |Respondent |
| 4. | LPA-317-2016 (O&M) | |
| State of Punjab and others | |Appellants |
| Versus | | |
| Guru Nanak College Sukhchaina Sahib | |Respondent |
| 5. | LPA-318-2016 (O&M) | |
| State of Punjab and others | |Appellants |
| Versus | | |
| Guru Nanak Bhai Lalo Ramgarhia College | |Respondent |
| 6. | LPA-471-2016 (O&M) | |
| State of Punjab and others | |Appellant |
| Versus | | |
| Ramgarhia Institute of Engineering | |Respondent |
| 7. | LPA-472-2016 (O&M) | |
| State of Punjab and others | |Appellant |
| Versus | | |
| Ramgarhia College | |Respondent |

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Rajesh Bhardwaj,DAG, Punjab
for the appellants.

Mr.Rahul Sharma-1, Advocate
for the respondents.

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SURYA KANT, J.

[1] This order shall dispose of LPA Nos.2 of 2015 & 315 to 318, 471 and 472 of 2016 as the order under challenge in all these appeals is one and the same. For brevity the facts are being extracted from LPA No.315 of 2016.

[2] The issue that arose for consideration of the learned Single Judge pertained to the validity of the letter issued by Department of Welfare of Scheduled Castes and Backward Classes, Punjab, directing the private colleges not to collect any tuition fee from Scheduled Castes students as the same would be reimbursed by the State Government to such Colleges. The grievance of the Colleges, on the other hand, was that such reimbursement was not being made for years and the on going practice was unworkable.

[3] Learned Single Judge set aside the above-stated letter and held that the Colleges may collect the tuition fee from Scheduled Castes Students but such students shall be then entitled to seek reimbursement from the State Government. However, those private Institutions who were keen to seek reimbursement directly from the State Government were permitted to do so and in that eventuality they could not collect the fee from the students.

[4] State of Punjab being aggrieved against the said order has preferred these intra-Court appeals.

[5] Learned counsel for the respondent-Colleges at the very outset

pointed out that the State of Punjab has issued latest instructions directing all the Government Educational Institutions to ensure admission of Scheduled Castes students without charging any fee under Post Matric Scholarship Scheme. As regard to the Private Educational Institutions, the instructions stipulate that they would admit the Scheduled Castes Students without fee and the Government would reimburse the fee to such Institutions. It is further provided under the instructions that in case the private Institutions will not charge the fee from students then the amount shall be reimbursed directly in their bank accounts and if the Colleges collect the fee from the students, in that case, the said amount shall be deposited directly in the bank account of the students through online system.

[6] Since the State Government itself has suitably modified its earlier policy decision, it is not necessary for us to go into the validity of the order under appeal passed by the learned Single Judge. Suffice it to observe that the order passed by learned Single Judge will not be taken as a binding precedent for the purpose of suitable modification in the policy decision or for taking a fresh policy decision, if so required, in future.

[7] Disposed of.

(SURYA KANT)
JUDGE

August 30, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No