

**Sr. No.319 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 18958 of 2005(O&M)

Date of decision:18.01.2017

**Baba Jaswant Singh Dental College Hospital & Research Institute
Chandigarh Road, LudhianaPetitioner**

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Abhishekh Sanghi, Advocate for
Mr. N.K.Sanghi, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Mr. Rohit Sharma, Advocate
for respondent No. 2.

Rakesh Kumar Jain, J.(Oral)

This petition is filed by Baba Jaswant Singh Dental College Hospital & Research Institute, seeking a mandamus, directing the respondents to allow the petitioner to charge fee provisionally at the rate recommended by the Chartered Accountant of respondent No. 3 i.e. Fee Fixation & Admission Supervision Committees on account of the alleged failure of the respondents to comply with the order dated 29.09.2005 passed by this Court in CWP No. 15099 of 2005.

It is pertinent to mention that on 29.09.2005, while disposing of the CWP No. 15099 of 2005, the following order was passed by this Court:-

“Learned counsel for respondent Nos. 1 and 3 states that the issue in hand is pending consideration at the hands of the Fee Committee and that a final decision will be taken on the issue in hand and communicated to the petitioner

within four weeks from today. The respondents shall be bound by the statement made on their behalf as has been recorded herein above.”

Since the petitioner was aggrieved that the order passed by this Court was not complied with, therefore, the present writ petition was filed.

The case was admitted for regular hearing on 03.01.2006.

Counsel for the respondents, at the outset, has submitted that the present petition has become infructuous with the efflux of time because the recommendation made by the Fee Concession Committee has not been accepted by the State Government for certain reasons and a legislation is brought, namely, Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of Fee and making of Reservation) Act, 2006(for short, 'the Act'). Under the said legislation, notifications dated 23.11.2006 and 3.08.2007 were issued retrospectively in respect of fee structure which are though not to the liking of the petitioner.

Counsel for the petitioner, thus, prays that he may be allowed to withdraw the present writ petition as it has become redundant at this stage in order to challenge the validity of the notifications, which are made to operate retrospectively.

In view of the statement made by counsel for the petitioner, the present petition is dismissed as not pressed. However, liberty is granted to the petitioner to avail its remedies, if available, to challenge the notifications, as prayed for.

[Rakesh Kumar Jain]
Judge

18th January, 2017

Shivani Kaushik

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No