

Sr.No.212

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

CWP No. 15649 of 2016(O&M)
Date of decision:16.05.2017

Sarita Jain Charitable TrustPetitioner

versus

State of Haryana and othersRespondents

CWP No. 19929 of 2016

Sarita Jain Charitable TrustPetitioner

versus

State of Haryana and others Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Rahul Sharma-I, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Ajay Jain, Advocate
for respondents No. 4 and 5.

Mr. Tribhuvan Dahiya, Advocate
for respondent No.7.

Rakesh Kumar Jain, J.(Oral)

CM No. 7348 of 2017 in CWP No.15649 of 2016

This application is filed in order to place on record the replication to the reply filed by respondents No. 4 and 5 alongwith annexures.

Allowed as prayed for.

CM No. 7356 of 2017 in CWP No. 19929 of 2016

This application is filed in order to place on record the replication to the reply filed by respondent No. 6 alongwith annexures.

Allowed as prayed for.

This order shall dispose of two writ petitions bearing CWP Nos. 15649 and 19929 of 2016.

The preliminary objection raised by counsel for respondent No. 7 is that the application filed by the petitioner to respondent No. 6 is not maintainable in view of the provisions of the University Act(Haryana Act No. 28 of 2014) as per which the jurisdiction vests with respondent No. 7 to decide the application in regard to issuance of NOC for the purpose of recognition by the NCTE.

Faced with this argument, learned counsel for the petitioner has prayed that he may be allowed to withdraw both the writ petitions at this stage with liberty to file proper application to respondent No.7 for the purpose of obtaining NOC. He has further submitted that respondent No. 7 may be directed to decide the application either to grant or to refuse the NOC within a period of two weeks thereafter.

Learned counsel for respondent No.7 has stated at the bar that in case the application is filed in terms of the time prescribed by this Court, the same shall be decided accordingly.

It is further submitted by learned counsel for the petitioner that in case, NOC is granted, he may be allowed to bring it to the notice of the NCTE for the purpose of recognition.

In view of the aforesaid, the present writ petitions are hereby dismissed as withdrawn with liberty to the petitioner to file appropriate application in accordance with law to respondent No. 7 within a period of one week from the date of passing of this order and respondent No. 7 is further directed to decide the said application within a period of three weeks thereafter. Any deviation by the respondent in deciding the application of

the petitioner would lead to the issuance of notice of contempt to the Registrar of the University. In case, NOC is granted then the petitioner may apply to NCTE and in case, it is rejected, the petitioner may challenge the same in accordance with law before this Court.

A copy of this order be handed over to counsel for the parties under the signatures of the Special Secretary of this Court.

A photocopy of this order be placed on the file of another connected case.

16th May, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No