

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

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**CWP No.25646 of 2012 (O&M)
Date of Decision : 22.12.2017**

Pancham City College for Women, Amritsar

..... Petitioner

Versus

Guru Nanak Dev University Amritsar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sanjay Tangri, Advocate
for the petitioner.

Mr. Amrit Paul, Advocate
for the respondents.

AJAY TEWARI, J.

This petition has been filed for issuance of direction for quashing the orders dated 14.12.2011 (Annexure P-8) and 06.07.2012 (Annexure P-9) passed by the respondent-University imposing a late fee fine of Rs.24,27,000/- on account of late deposit of examination fee of Rs.2,51,500/- for the academic year 2008-2009.

The petitioner-College is affiliated to the respondent-University. The dispute in the present case relates to the penalty which has been levied by the respondent-University on the petitioner-College for late submission of annual examination forms of the University for a set of 137 regular students and 63 private students. The provision relating thereto is admittedly contained in Vol. III of the University Calendar of 1999 under Chapter 3 (III). 1.1 and 1.3 (ii) of the Chapter relates to admission to

examination and is quoted herein below :-

1.1 is as follows :-

“Application for admission to an examination shall be made on the prescribed form with the prescribed fee and must reach the University by the date fixed by the University for the examination concerned. The Vice-Chancellor may, however, change the date in a particular year, for special reasons to be recorded.”

1.3(ii) Date for submission of Within 10 days from the admission forms and fee last date for the submission of the forms with late fee of Rs.100/- and fee without late fee.

In the year 2008-2009 the last date for submission of University examination form of regular students was 01.12.2008 while that for private students was 21.10.2008. However, the forms could be submitted by the petitioner-College only on 26.02.2009. The claim of the petitioner-College was that this delay had occurred because the petitioner-College had to shift its premises. The respondent-University had claimed late fees of Rs.46,78,500/-. The petitioner-College filed CWP No.11335 of 2009 which was disposed of by judgment and order dated 20.09.2011 (Annexure P-7) in the following terms :-

“In view of what has been held hereinabove, the writ petition is partly allowed, the matter be placed before the Vice Chancellor of the University, to consider, afresh the petitioner's plea of reduction/waiving of fine/penalty imposed upon the petitioner institute, within three months from the date of receipt of a certified copy of this order. During this period of three months, the order imposing fine shall remain in abeyance.”

Thereupon the matter was again considered on various occasions in view of various requests made by the petitioner-College and ultimately out of a total amount of Rs.46,78,500/- the respondent-University waived an amount of Rs.25,44,685/- i.e. almost by 60%. At every stage it issued undertakings that it would not seek any further reduction and would pay the balance amount. The issue before this Court is whether in these circumstances it can be held that the action of the respondent-University is illegal or arbitrary and therefore liable for interference under the extraordinary jurisdiction of this Court.

In my opinion, the petition must fail. The submission of annual examination forms is a routine exercise which every college well knows in advance. It is true that some disruption may have been caused because as per the petitioner-College it was shifting its premises but that would not justify a delay of three months after the decision of this Court in the previous petition.

I find that the respondent-University has considered the prayer of the petitioner-College on different occasions on its requests and has granted substantial relief to it. It can not be denied that this kind of fiscal discipline is required otherwise it would result in an academic anarchy.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

22.12.2017
Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No