

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

Date of Decision:04.05.2017

1. **CWP No.22440 of 2016 (O&M)**

 International Media Institute Petitioner
 vs.
 Union of India and others Respondents

2. **CWP No.22441 of 2016 (O&M)**

 Vivekanand Institute of Management
 & Information Technology Petitioner
 vs.
 Union of India and others Respondents

3. **CWP No.22442 of 2016 (O&M)**

 Sanlok Institute of Management
 & Information Technology Petitioner
 vs.
 Union of India and others Respondents

4. **CWP No.22443 of 2016 (O&M)**

 SG Matribhumi College Petitioner
 vs.
 Union of India and others Respondents

5. **CWP No.22444 of 2016 (O&M)**

 Dev Institute of Competition Petitioner
 vs.
 Union of India and others Respondents

6. **CWP No.22445 of 2016 (O&M)**

 Shree Baba Ji Institute of Comp & Mgt.....Petitioner
 vs.
 Union of India and others Respondents

7. **CWP No.22446 of 2016 (O&M)**

 Aryan Institute of Management
 & Technology Petitioner
 vs.
 Union of India and others Respondents

8. **CWP No.22447 of 2016 (O&M)**

 M.B. College of Computer Management
 & Allied Studies Petitioner

- vs.**
- Union of India and others**Respondents
- 9. CWP No.22448 of 2016 (O&M)**
- Satya Institute of it & Management**Petitioner
- vs.**
- Union of India and others**Respondents
- 10. CWP No.22449 of 2016 (O&M)**
- Neeraj College of Management & Technology**Petitioner
- vs.**
- Union of India and others**Respondents
- 11. CWP No.22450 of 2016 (O&M)**
- Samarghosh Institute of it & Management**Petitioner
- vs.**
- Union of India and others**Respondents
- 12. CWP No.22451 of 2016 (O&M)**
- SGIIT**Petitioner
- vs.**
- Union of India and others**Respondents
- 13. CWP No.22452 of 2016 (O&M)**
- ODM Computer & Management Education**Petitioner
- vs.**
- Union of India and others**Respondents
- 14. CWP No.22453 of 2016 (O&M)**
- AIM College of it & Management**Petitioner
- vs.**
- Union of India and others**Respondents
- 15. CWP No.22454 of 2016 (O&M)**
- K.M. Institute of Management & Information Technology**Petitioner
- vs.**
- Union of India and others**Respondents
- 16. CWP No.22455 of 2016 (O&M)**

Shri Ganesh Institute of Science

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| | & Technology (SGIST) |Petitioner |
| | vs. | |
| | Union of India and others |Respondents |
| 17. | CWP No.22456 of 2016 (O&M) | |
| | ODM Computer & Management Education |Petitioner |
| | vs. | |
| | Union of India and others |Respondents |
| 18. | CWP No.22457 of 2016 (O&M) | |
| | Zenith Institute of Management & Technology |Petitioner |
| | vs. | |
| | Union of India and others |Respondents |
| 19. | CWP No.22458 of 2016 (O&M) | |
| | International Institute of Management Media & it (IIMMI) |Petitioner |
| | vs. | |
| | Union of India and others |Respondents |
| 20. | CWP No.22459 of 2016 (O&M) | |
| | Institute of Media & Technology |Petitioner |
| | vs. | |
| | Union of India and others |Respondents |
| 21. | CWP No.22460 of 2016 (O&M) | |
| | Aryans Institute of Management & Technology |Petitioner |
| | vs. | |
| | Union of India and others |Respondents |

CORAM: HON'NLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Vinod Sharma, Advocate for respondent No.1.

Mr. Salil Sabhlok, Advocate for respondents No.2 and 4.

Mr. Arvind Seth, Advocate for Mr. Girish Agnihotri,
Senior Advocte for respondent No.3.

Mr. Tarun Vir S. Lehal, Advocate for UGC.

Rakesh Kumar Jain (Oral)

This order shall dispose of a bunch of 21 petitions, preferred by various Study Centres located in the State of Haryana, recognised by Guru Jambheshwar University of Science and Technology, Hisar.

The grievance of the petitioners is that by a public notice dated 5.7.2016, the University has decided to close down all Study Centres/ Examination Centres/ Information Centres/ Franchising of Study Centres for the academic session 2016-2017 for the courses through distance mode. It was followed by another letter of the Department of Directorate of Distance Education dated 31.8.2016 by which it was notified that the Study Centres at the distant running of the University, located in the State of Haryana and UT, Chandigarh, would stand fixed and no fresh students be enrolled in the said Study Centres for the academic session 2016-2017. However, keeping in view the hardship of the students, the Study Centres were allowed to continue till the batch of the students who had taken admission earlier is over.

Learned counsel for the petitioner has submitted that the University had to follow the guidelines for the Study Centres, as revised on 28.08.2008, issued by the Directorate of Distance Education of the University. He has referred to Clauses 7.6 and 7.7 of the Instructions to contend that the Study Centres can be closed in the case of unsatisfactory performance but without recording any such finding with regard to unsatisfactory performance and giving prior one month's notice, the public notice has been issued for closing down the Study Centres for the academic session 2016-2017.

Counsel for the respondents, however, submitted that if the

petitioners rely upon the consolidated guidelines for the Study Centres then he has to follow the same in which it is provided that in case of a dispute between the parties, i.e. Petitioner and the University, the matter has to be referred for the arbitration of the Vice Chancellor who will decide the matter in terms of the provisions of the Arbitration and Conciliation Act, 1996.

I have heard counsel for the parties and after examining the available record, am of the considered opinion that in the face of an alternate dispute redress mechanism provided in the guidelines itself in Clause 7.8, the petitioners cannot maintain the present petition and should have taken recourse to the arbitration.

Learned counsel for the petitioners, faced with these observations, prays for withdrawal of the petitions with liberty to avail the remedy, provided in Clause 7.8 (supra). However, it is submitted that in case such a remedy is availed, the arbitrator, if so appointed, may be directed to decide the dispute between the parties at the earliest.

Thus, the present petitions are hereby dismissed as withdrawn relegating the petitioners to their remedy of arbitration, as prayed, as provided in Clauses 7.8 of the Guidelines.

It is needless to mention that if the matter is taken up before the Arbitrator, he would try to decide the same as early as possible.

A photocopy of this order be placed on the files of connected cases.

May 04, 2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No