

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24144-2016

Date of Decision: August 24, 2017

Shri Bankey Bihari Educational Trust and another

.....Petitioners

Versus

Maharshi Dayanand University, Rohtak

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Abhimanyu Tewari, Advocate
for the petitioners.

Mr.Amit Rao, Advocate for the respondent.

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SURYA KANT, J.

In the instant writ petition, the first petitioner is a Trust which runs an Educational Institute, namely, petitioner No.2. They are aggrieved by the resolution dated 24.09.2016 passed by the Executive Council of the respondent-Maharishi Dayanand University, Rohtak and consequential order dated 02.11.2016 passed by that University whereby a penalty of Rs.50,000/- per student, totalling Rs.12.50 lacs, has been imposed for making false admission of 25 students in a fraudulent manner.

[2] It is undeniable that on receipt of a complaint from the affected students, who were not permitted to appear in the examination which was

scheduled to be held w.e.f. 24.06.2014, a fact finding enquiry was conducted by a team of three senior Professors appointed by the Vice Chancellor of the respondent-University to go into the genuineness of the admissions made to the B.Ed course by petitioner No.2-Institute. The Committee assigned eight reasons in support of its conclusion that the result of 25 students cannot be declared as the Institute failed to produce the record re: their admission in the Institute before the cut off date of 15.10.2013.

[3] Based upon the said enquiry report, show cause notice was issued and copy of the enquiry report was duly supplied. The petitioners submitted their reply-cum-objections which were duly considered. Thereafter the Executive Council of the University in its collective wisdom took a decision and imposed the impugned penalty in conformity with the proposed show cause notice.

[4] We have heard learned counsel for the parties at a considerable length. We are of the view that the writ petition involves more than one seriously disputed questions of facts especially with regard to (i) the allocation of students; (ii) the admission granted to them by the petitioners before or after the cut off date, i.e. 15.10.2013; (iii) the very identity of the students; (iv) the record of admission or the classes attended or not attended by such students; and (v) the submission of their admission forms, examination forms to the affiliated University, namely, Maharishi Dayanand University, Rohtak.

[5] Though some of these questions can be answered on consideration of the limited information available on record but since the said finding is likely to cause prejudice to the petitioners, we dismiss the

writ petition, relegating them to approach the alternative remedy including the Civil Court. Ordered accordingly.

(SURYA KANT)
JUDGE

August 24, 2017
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(SUDHIR MITTAL)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |