

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.25662 of 2016
Date of Decision: November 14, 2017

Deeksha Institute of TechnologyPetitioner

versus

State of Haryana and othersRespondents

[2] Civil Writ Petition No.18046 of 2017
Date of Decision: November 14, 2017

Deeksha Institute of TechnologyPetitioner

versus

State of Haryana and othersRespondents

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

Present: Mr.Raj Kumar Narang, Advocate for the petitioner(s)
Mr.D.Khanna, Additional AG, Haryana.
Mr.Rajesh Sheoran, Advocate, for respondent No.2.
Mr.P.K.Chugh, Advocate, for respondent No.3.

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Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.25662 of 2016 and 18046 of 2017 as both the petitions have been filed by the same Institute, seeking direction to respondent Nos.2 & 3 to regularize the admissions made by it in sessions 2016-17 and 2017-18.

For brevity, the facts are being extracted from Civil Writ Petition No.25662 of 2016.

[2] The petitioner is a self-financed privately managed Institute of Technology and it got affiliation with All India Council for Technical Education (AICTE) in December, 2010. The petitioner-Institute has been affiliated with the Haryana State Board of Technical Education-respondent No.2 also except for the session 2015-16 when the petitioner-Institute did not deposit the 'extension fee' for affiliation for want of such affiliation, it did not make any admissions as well in the session 2015-16.

[3] The petitioner-Institute got renewed its affiliation with AICTE for the session 2016-17 on 12.04.2016. For the said academic session 2016-17, respondent No.2-Board issued instructions on 25.02.2016 (P-2) whereby the Polytechnic Institutions were asked to seek extension of affiliation for the session 2016-17 by submitting online applications alongwith extension fee by 12.04.2016. The petitioner-Institute also decided to seek re-affiliation with the Board and consequently, it deposited the prescribed fee of Rs.2,00,000/- on 12.04.2016 and requested to issue affiliation for the session 2016-17 and permit it to make admissions for the said session.

[4] The petitioner-Institute received a very vague, evasive and misleading communication dated 02.05.2016 (P-4) from respondent No.2-Board which neither pointed-out any deficiency in documents to be submitted by the petitioner-Institute nor any other shortcoming in the application form except that the petitioner-Institute was asked to “deposit the affiliation fee for the session 2015-16 alongwith complete documents in order to consider it for re-affiliation with the Board”. On receipt of this letter, the petitioner-Institute deposited the extension fee of Rs.1,65,000/- for the previous session 2015-16 also.

respondent-Board. The last date for admissions was admittedly expired on 15.08.2016. It is also not in dispute that the Board was obligated to decide the petitioner-Institute's application for affiliation within one week from the date it was received. However, no decision rejecting or accepting the petitioner's request for affiliation for the session 2016-17 was communicated. Consequently, no login or password was allocated to the petitioner-Institute for uploading the information of the students who were to be admitted before the cut-off date of 15.08.2016. The petitioner-Institute meanwhile submitted a representation to the Board on 04.08.2016 (P-5) requesting it to issue the affiliation for the session 2016-17 as it had already deposited the extension fee for affiliation for the session 2015-16 alongwith all the relevant documents. There was however no response to the said representation.

[6] The petitioner-Institute is said to have admitted 84 students in the session 2016-17 before the cut-off date of 15.08.2016. The list of the admitted students has been given in a tabulated form as Annexure P-8 (Colly.). As the petitioner-Institute did not hear anything from the Board regarding its affiliation despite completion of all requisites on its part, the petitioner-Institute approached this Court through the instant writ petition which came up for hearing before a learned Single Judge who vide interim order dated 09.12.2016 directed the respondent-Board to grant admit cards to the students of the petitioner-Institute whose details are mentioned in Annexure P-8 though subject to final outcome of the writ petition provided that none of the candidate was admitted after the cut-off date.

[7] It is not the case of the respondents in their written-statement

that the petitioner-Institute has made any admission after the cut-off date. It

may also not be out of context to mention that there was no Common Entrance Test for admission to the technical Institutes like the petitioner and the students are to be admitted by the Institutes subject to the candidates fulfilling the minimum academic qualifications prescribed by the respondent-Board. The candidates so admitted by the petitioner-Institute also fulfill the minimum eligibility condition re: academic qualifications.

[8] Subsequently, this Court vide another interim order directed the respondents to allow the students of the petitioner-Institute to submit their examination forms and permit them to appear in 2nd and 3rd semesters examinations on provisional basis.

[9] In the written statement filed by the State Technical Education Board as well as the State Technical Education Society, namely, respondent Nos.2 & 3, the facts noticed above are broadly admitted. The Board nevertheless has come up with an altogether new plea that the application of the petitioner-Institute for affiliation for the session 2016-17 could not have been scrutinized as it was incomplete, for all the relevant documents were not attached.

[10] We are, however, not impressed by the above-stated plea for the reason that no such objection of not attaching all the documents was ever raised by the Board either in its communication dated 02.05.2016 (P-4) or subsequent thereto. The only requirement asked to be completed was to deposit the affiliation fee for the session 2015-16 which was duly complied with by the petitioner-Institute. There is no explanation by the Board authorities as to why they sat over the petitioner-Institute's request dated 12.04.2016 for a period of more than three months knowing fully that the

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a totally arbitrary manner, for if there was any deficiency, it ought to have been intimated to the petitioner-Institute so that it could remove the objection(s) and facilitate the processing of its application before the cut off date. The action of the Board in not adhering to such a just and reasonable procedure amounts to denial of fair opportunity of consideration to the petitioner-Institute.

[11] It is also not in dispute that for the subsequent session 2017-18, the petitioner-Institute has been granted affiliation by the AICTE as well as the respondent-Board as no shortcoming of any nature was found.

[12] Taking into consideration the totality of circumstances, we are satisfied that the petitioner-Institute can not be blamed for not uploading the details of admissions made by it on the website of the Board as no login or password was provided to the petitioner-Institute. The writ petition is consequently allowed; the impugned action of the respondent-Board is annulled and it is directed that the admissions made by the petitioner-Institute for the sessions 2016-17 and 2017-18 be regularized for all intents and purposes.

[13] The interim order dated 11.08.2017 passed in CWP No.18046 of 2017 is made absolute.

[14] Both the writ petitions are disposed of in above terms.

[SURYA KANT]
JUDGE

November 14, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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Whether Reportable : Yes/No