

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

Date of Decision: 17.11.2017

1) 393 CWP-9695-2016 (O&M)

**KVM College of EducationPETITIONER
VS**

**Mahrishi Daya Nand University Rohtak and another
....RESPONDENTS**

2) 393-A CWP-5630-2016 (O&M)

**KVM College of EducationPETITIONER
VS**

**Maharishi Daya Nand University Rohtak and another
....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

**Present: Mr. Kartar Singh Malik-I, Advocate
for the petitioner.**

**Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate
for the respondents.**

AJAY TEWARI, J.(Oral)

These are two writ petitions in which the KVM College of Education has challenged the action of the respondent-Maharishi Daya Nand University in refusing to accept the examination forms and to issue the admit cards to students of B.Ed and M.Ed classes.

The case of the University was that the society which runs the KVM College of Education had applied for affiliation and permission for two other colleges i.e. the KVM MCA College and the KVM College of Management and on consideration of that application the University had granted them provisional affiliation for starting those two colleges for the

academic session 2009-2010. As per the University, the new college i.e. the KVM MCA College did not deposit its continuation fee despite various reminders and it was only in these circumstances that action complained of had to be taken against the petitioner-college. Counsel for the petitioner has argued that in fact the KVM MCA College never started and no admission was ever conducted and the University was informed about this and therefore, there are no dues outstanding for the KVM MCA College. This argument however cannot be accepted because the petitioner has not placed on record any material to show that information regarding stoppage of MCA Course was ever sent or served upon the University. Faced with this counsel for the petitioner has argued that even if no intimation was sent to the University yet as per Clause 11 of Statute 38 of the University, once the MCA College had not provided instruction for 03 continuous years, it was incumbent upon the respondent to forthwith cancel its affiliation. He has argued that the respondent well knew that no instruction had been carried out in the KVM MCA College for the academic Session 2009-10, 2010-11 and 2011-12 because no student registration or examination form was ever submitted to the University. Learned counsel for the respondent is not in a position to deny that no student of the KVM MCA college had ever been registered with it for these academic session. He is also not in a position to deny the application of Clause 11 of Statute 38.

In this view of the matter, it has to be held that respondent-University could at the most have been entitled to claim continuation fee for 3 years. I have been informed that under the interim order of this Court the petitioner had deposited entire dues relating to the KVM MCA College up to

2016.

In the circumstances, it is directed that respondent-University is entitled to the dues up till 2012 and is liable to refund the dues which it has taken for the academic session 2012-2013 to the academic session 2015-16. It would be open to the petitioner to set off these dues against other dues which may be liable to be paid by the petitioner to the University.

Both the petitions stand allowed in the above terms.

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

17.11.2017
anuradha

(AJAY TEWARI)
JUDGE

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