

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

**L.P.A. No.1356 of 2015 (O&M)
Decided on : 13.07.2017**

University Grants Commission

... Appellants

Versus

Managing Committee, Guru Teg Bahadur Khalsa College for Women,
Dasuya and another

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Salil Sabhlok, Advocate,
for the appellants.

Mr. P.S.Thiara, Advocate, Advocate,
for respondent No.1.

Mr. Harit Sharma, Advocate,
for respondent No.2.

MAHESH GROVER, J. (Oral)

The appellant-UGC is in appeal against the judgment of the learned Single Judge dated 20.5.2015 and the only contention that has been raised before us is that self-financed institutions are not entitled to any finances from University Grants Commission.

In this regard, our attention has been invited to the following directives of the Commission : -

“The Commission deliberated upon various related issues and decided as under :

1. The Government colleges, included under 12(B), shall continue to receive grants from UGC.
2. All private colleges, included under 12(B) and receiving

salary grant from the State Government, shall continue to receive grants from UGC.

3. Partly self-financing private colleges i.e. colleges, which may not be receiving grants for salary purpose from the Government but are receiving some kind of grant for any other purpose from the State Government or from any Central Government sources, may be awarded 12(B) status if they fulfill the eligibility criteria and may be considered for financial assistance from UGC subject to availability of funds.

4. Private colleges, which are fully self-financing, may be awarded 12(B) status if they fulfill the eligibility criteria, so that they become eligible to receive Central Government grants from other sources, even if they do not receive grants from UGC due to paucity of funds.”

Particular emphasis has been made with reference to Clause 4 above. After perusal of the above extracted directives, we are of the considered view that the contention of the learned counsel for the appellant is totally misplaced. Clause 4 entitles the private colleges which are fully self-financing to 12(B) status if they fulfill the eligibility criteria to entitle them to receive Central Government grants from other sources even if they do not receive grants from UGC due to paucity of funds.

Reference to Clause 1 and 2 indicates that the institutions classified as 12(B) receive grants from UGC. Therefore, the plea of the learned counsel for the appellants that the institutions classified under 12(B) would not be entitled to funds from them, if they are self-financing, is misplaced in the absence of any clear and unambiguous directive to that effect. All that has been said is that they would be entitled to grants from other sources such as Central Government if they do not receive any grants from UGC for paucity of funds. Thus, it

would be subjective satisfaction to be recorded by UGC that they are short of funds and unable to release grants to the said self-financing institutions. It would also depend on a satisfaction to be recorded that such institutions are getting funds from Central Government. This satisfaction would obviously have to be recorded in appropriate proceedings by passing a speaking order.

For the present, the solitary argument raised before us that the self-financing colleges would not be entitled to any funds from UGC is totally misplaced. No other material has been shown to us or argument raised.

Thus, the only modification we intend to make in view of the stand adopted by the UGC is of the institution being a self-financing one. Learned Single Judge has not returned a finding in this regard. Therefore, we clarify this aspect that the respondent institution is indeed a self-financing institution.

There is a delay of 80 days in filing the present Letters Patent Appeal, which we do not intend to condone, in the absence of any plausible explanation.

In view of the above, the present appeal is dismissed with modification above.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

July 13, 2016
Paritosh Kumar

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No