

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

149

COCF No.3020 of 2018 (O&M)
Date of Decision: September 20th, 2018

Federation of Self-Financed Colleges of Education, Punjab

...Petitioner

Versus

Shri Harjeet Singh, IAS and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

Present: Mr. Arjun Partap Atma Ram, Advocate
for the petitioner.

AUGUSTINE GEORGE MASHI, J. (ORAL)

Petitioner-association has approached this Court alleging non-compliance of the orders which have been passed by this Court in the earlier writ petitions in the light of order dated 06.09.2018 passed in CWP No.22628 of 2018.

2. In the order dated 06.09.2018, which has been passed by the Division Bench, the Court has specifically observed as follows:-

“Evidently, the mode of Common Entrance Test was approved. If that is so, then the process of filling up the seats becomes restricted to the process adopted i.e. of Common Entrance Test. We cannot, therefore, issue a positive mandate that the remaining seats be filled up by a procedure beyond the one that has been adopted by the State and approved by the Court. If we notice the orders passed by this Court in CWP-20329-2017, it was largely a result of deliberations inter se between the stakeholders i.e. the State and the Colleges and in view of the satisfactory resolution of the issues the court had disposed of the petition as infructuous. When the situation as offered in the petition is not distinct than the one existing earlier, we would not offer any further observation but leave it entirely to the State and the Colleges to resolve such an issue.

To our mind such a situation is likely to occur every

year as there has neither been any assessment made by the State of its ability to absorb the trained human resources likely to exit the colleges after completion of the course and neither is there any assessment of the available and desirous human resources willing to undertake the courses offered by the colleges so that the situation does not emerge where the seats go abegging. This is entirely upto the State to formulate a policy in this regard. But we can certainly express a sentiment that seats in educational institutes of higher learning should not be wasted as has been observed by the Hon'ble Supreme Court as well in numerous pronouncements. We have already said so that the State should formulate a policy for the future and if the mandate has not been complied with evidently the petitioner would have remedies in law to enforce it.”

3. Perusal of the above would show that the Court had not given any positive direction to the State to fill up the vacant seats which are available with the private colleges, rather the Court had proceeded to state that it is for the State to formulate the policy for future. No contempt of the order, therefore, in the consideration of this Court, where no mandate has been given by the Court for formulating such a policy nor has any time frame been given, would lie.

4. The present contempt petition, therefore, stands dismissed.

September 20th, 2018
Puneet

(AUGUSTINE GEORGE MASHI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No