

C.O.C.P. No. 725 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No. 725 of 2018

DATE OF DECISION:01.03.2018

DAV Post Graduate College, Sector-10, ChandigarhPetitioner
through its Principal

Versus

Satish GuptaRespondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Aman Chaudhary, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present contempt petition has been filed for non-compliance of orders dated 24.10.2017 (Annexure P-1) and 27.11.2017 (Annexure P-3) passed in C.W.P. No. 15464 of 2016.

Order passed on 27.11.2017 is relevant for resolving the controversy in the present case and the operative portion of said order is reproduced as under:-

“In the circumstances, I deem it appropriate to direct the petitioner to apply within ten days and further direct respondents No.2 and 3 to decide the said application after carrying out a fresh inspection if felt necessary. Final decision be placed before the Court on the next date of hearing.”

Learned counsel for the petitioner contends that the petitioner-

college submitted all the requisite documents as required vide letter dated 26.2.2016. The respondent issued order of recognition but as per said order the petitioner-college had been granted permission for the academic session 2017-2018 instead of 2016-17. The petitioner-college thereafter submitted representation dated 23.6.2016 to the respondent requesting therein to look into the issue and modify order dated 20.6.2016 of recognition/permission for 2 Units for academic session 2016-17 instead of 2017-2018 as the college is fulfilling all the requirements and has the infrastructure including teachers and staff for two units but still no action was taken by the respondent. The petitioner had to file C.W.P. No. 15464 of 2016, wherein, vide interim order dated 24.8.2016, permission was granted to the petitioner to admit 50 students for the aforesaid course for academic session 2016-17 in consultation with the affiliating University. In pursuance of aforesaid interim order, the petitioner-college admitted 50 students for the academic session 2016-17. Thereafter on 13.9.2017, the petitioner-college filed an application bearing C.M. No. 13191 of 2017 for issuance of direction to the respondent to grant recognition for additional unit of four years integrated course for academic session 2017-18 as the petitioner-college has recruited the requisite staff of teachers. Vide order dated 24.10.2017, this Court passed an order directing the counsel for the respondent to get instructions from respondent to the effect that in the peculiar circumstances of the present case, the respondent-college can be permitted to run the additional unit. However, on 6.11.2017, respondents No.2 and 3 produced copy of order dated 31.10.2017 passed in C.W.P. No. 15464 of 2016, wherein, claim of the petitioner has been rejected in violation of order dated 24.10.2017.

At the end, learned counsel for the petitioner contends that vide order dated

27.11.2017, this Court in view of order passed in LPA No. 1292 to 1297 to 2017, directed the petitioner to apply within ten days and further directed respondents No.2 and 3 to decide the said application after carrying out a fresh inspection if felt necessary. Final decision was also ordered to be placed before the Court. The petitioner again applied to NCTE on 6.12.2017 i.e. within a period of ten days along with all documents with a request to start additional unit from Panjab University but again NCTE vide its order dated 29.12.2017 in violation of orders passed by this Court, rejected the claim of the petitioner for grant of additional unit. This act on the part of the respondent amounts to non-compliance of order dated 24.10.2017.

Heard the arguments advanced by learned counsel for the parties and have also gone through the orders dated 24.10.2017 and 27.11.2017.

On 24.10.2017, after recording the contention of learned counsel for the petitioner, it was observed by this Court that the petitioner-college can be permitted to run the additional unit and a direction was issued to get instructions from respondents No.2 and 3 in this regard and case was adjourned to 27.10.2017. Ultimately, the case came up for hearing on 6.11.2017 and counsel appearing for respondents No.2 and 3 had shown to the Court copy of order dated 31.10.2017 passed by NRC, whereby, claim of the petitioner had been rejected. Copy of said order was also supplied to learned counsel for the petitioner. Vide aforesaid order dated 6.11.2017 counsel for respondents No.2 and 3 was directed to consider the claim of the petitioner for next session for the second unit and the case was adjourned for 20.11.2017. Thereafter on 27.11.2017, a direction was issued to the

petitioner to apply within a period of ten days and respondents No.2 and 3 were also directed to decide the application after carrying out a fresh inspection if necessary. Thereafter vide letter dated 29.12.2017, a copy of order was sent to the petitioner-college by NCTE by informing that a decision had already been taken by NRC in its 276th meeting held on 30th and 31st October, 2017 mentioning that the reply of LOI submitted by the applicant-institution dated 26.2.2016 contained a list of faculty, which was sufficient for one unit of the proposed course. It was also mentioned that recognition for one unit was granted and on the basis of new list, it was not possible to grant recognition for an additional unit. Meaning thereby the claim of the petitioner was rejected.

It is apparent from order dated 27.11.2017 that only a direction was issued to the respondent to take final decision after submission of application by the petitioner and decision has been taken. In case, the petitioner is aggrieved by said order/decision, the same may be challenged by way of availing an appropriate remedy.

Accordingly no case is made out to initiate contempt proceedings against the respondent and the contempt petition being devoid of any merit is hereby dismissed.

March 01, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes