

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

CWP No. 1291 of 2018

Date of Decision: 22.01.2018

**KAUSHALYA KUNDAN PROGRESSIVE MEDICAL HOSPITALS AND
RESEARCH CENTERS, LUDHIANA.**

.....Petitioner

V/S

REHABILITATION COUNCIL OF INDIA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Nitin Kant Setia, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has challenged the show cause notice dated 01.11.2017 (Annexure P-15) and has also prayed for a writ in the nature of mandamus to direct the respondent to extend the affiliation/approval of the petitioner institute for D. Ed.Spl.ED (MR) course in terms of circular dated 07.03.2017.

Learned counsel for the petitioner has submitted that the show cause notice dated 01.11.2017 was served upon the petitioner wherein it was submitted that the petitioner had applied for extension of the approval for the aforesaid course. However, it was found, on enquiry, that malpractice/ mass-copying had occurred in the examination conducted by the petitioner-institute in the academic session 2013-2014 and confirmed by the enquiry committee in its report on 16.10.2015.

Thus before taking any action against the petitioner, much less, considering the application for extension of approval, the petitioner is given a show cause notice on 01.11.2017 asking to file its reply within the stipulated period, cautioning that otherwise it would be deemed that they have nothing

to submit and further action would be taken accordingly. Admittedly, the petitioner did not file any kind of reply to the said show cause notice and has rather approached this Court by way of this writ petition in order to challenge the basis of the show cause notice and also prayed for a direction to extend the approval/affiliation of the Institute.

Learned counsel for the petitioner submits that the show cause notice was third in a row but he has also admitted that no reply has been given to the show cause notice dated 01.11.2017 and no order thereafter has been passed debarring the petitioner for 5 years for the said course.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that in this case, the petitioner is itself at fault for not replying to the show cause notice or availing the opportunity of hearing granted to it to show as to why they are not liable to be debarred for 5 years. It was made clear to them that in case the council do not receive any response within the stipulated time, then it would be deemed that they have nothing to submit and further action would be taken accordingly. Since, the petitioner has not availed the opportunity of hearing granted by the respondents, therefore, it has no right to knock the doors of this Court to make a complaint against the respondent.

In view of the foregoing discussion, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

January 22, 2018

Ess Kay

**(RAKESH KUMAR JAIN)
JUDGE**

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