

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1

CWP No. 19087 of 2018
Dated: 13.08.2018

SHRI KRISHNA EDUCATIONAL & WELFARE SOCIETY ... *Petitioner*
Vs.
STATE OF PUNJAB AND ANOTHER ...*Respondents*

2.

CWP No. 19098 of 2018

SANT BABA ATTAR SINGH JI WELFARE & CHARITABLE SOCIETY
... *Petitioner*
Vs.
STATE OF PUNJAB AND ANOTHER ...*Respondents*

3.

CWP No. 19116 of 2018

MAA SARASWATI EDUCATIONAL SOCIETY ... *Petitioner*
Vs.
STATE OF PUNJAB AND ANOTHER ..*Respondents*

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

Present: Mr. Puneet Jindal, Senior Advocate with
Mr. Nitik Kant Setia and Mr. Varun Goyal, Advocates
for the petitioner(s).

Mr. Sahil Sharma, DAG, Punjab.

Mr. Rajeev Kawatra, Advocate,
for respondent No. 2.

RAKESH KUMAR JAIN, J. (Oral)

This order shall dispose of three civil writ petitions bearing
CWP No. 19087 of 2018 titled as Shri Krishna Educational and Welfare
Society Vs. State of Punjab and Another, CWP No. 19098 of 2018 titled as
Sant Baba Attar Singh Ji Welfare and Charitable Society Vs. State of Punjab
and Another and CWP No. 19116 of 2018 titled as Maa Saraswati
Educational Society Vs. State of Punjab and Another as all the three writ
petitions are directed against the order by which the Punjab State Board of
Technical Education and Industrial Training (hereinafter referred to 'the
Board') has passed the order of disaffiliation of the petitioner(s)-Institution(s).

In CWP No. 19087 of 2018, the petitioner has challenged the order dated 13.06.2018. It is averred that the petitioner is a Pharmacy College and is running two-year Diploma Course in Pharmacy. It is further averred that the petitioner got the approval from the All India Council for Technical Education (AICTE) as a new Institution for diploma for the academic session 2015-2016 on 30.04.2015 which has been extended. The petitioner was also affiliated with the Board for the academic session 2017-2018. It is further averred that the petitioner had also got affiliation from the Pharmacy Council of India (PCI) but in a surprise checking/inspection carried out on 10.04.2018 for the session 2018-2019, the Board found numerous deficiencies in the petitioner-Institution. The Hearing Committee, after taking into consideration the stand taken by the petitioner or the answer given by its authorized person, found the following deficiencies and made the recommendations which are under challenge: -

1. *“The Hearing Committee pointed out that there was no sign board of the College (proof also enclosed with the inspection report). To this Mr. Kamal Singla replied that we have now placed the signboard at the front of the College.*
2. *To the question why no Principal/Staff and students were not present at the time of inspection, he reply that due to Bharat Bandh on 10th April, 2018 there was holiday in College, therefore, they were not present. The inspection team is of the view that the absence of student on that was not because of Bharat Bandh but it appears that the students are not regular in attendance.*
3. *To the question that after he reached the College, the inspection Committee asked him to take him around the College and as per inspection report no laboratories/equipments were available, he replied that equipment was there but was packed in boxed in the storeroom. The inspection team is of the view that the current session was still in progress, so the equipment, machinery should be in the laboratories. Moreover, the college did not show any equipment in store room to inspection team.*

4. *For glasswares also Mr. Kamal Singla replied that it was packed in the boxed and kept in store but not shown to the inspection Committee. The inspection team is of the view that the current session was still in progress, so the glassware should be in laboratories. Moreover, the college did not show any glassware in store room to inspection team.*
5. *In library not even a single reference book was available he said he will purchase according to norms.*
6. *Mr. Kamal Singla also agreed that inspite of numerous calls no faculty member reported when inspection committee came to the College. Mr. Kamal Singla has submitted the compliance report today at 29.05.2018.*

Recommendation of Hearing Committee.

Based on above mentioned facts, the hearing committee is of the view that there are only rooms in the institute which cannot be designated as labs because there were no working benches/sinks/equipments/chemicals/glasswares. Moreover, neither there was principal and faculty nor students inspite of the fact that this academic session was upto 03.05.2018. Even on the day of Hearing (29.05.2018) there was no principal to defend the case at PSBTE&IT. Moreover, no record pertaining to the attendance of students was shown to the inspection team which means that students are non attending and there were no students at the time of inspection.

Hence, the Hearing Committee goes with the decision of inspection Committee & Scrutiny Committee not recommends this Institute for 2018-19 Session.

As per your presentation and subsequent report of Hearing Committee your Institute is not recommended for affiliation and admission for 2018-2019 Session.

This has the approval of the competent authority.”

Similarly, in CWP No. 19098 of 2018 vide order dated 13.06.2018 recommendations made are duly approved by the competent authority. The authorized representative of the petitioner-Institute was present to defend the case before the Hearing Committee and the following had transpired: -

1. *“The Hearing Committee pointed out that there was no faculty available in the Institute at the time of Inspection as reported by*

Chairman of Inspection team. To this Principal replied that staff members were attending IELTS seminar in nursing Block which is just adjacent to Pharmacy Block.

As confirmed by Chairman of Inspection team in presence of this Committee and Principal of Institute on the day of inspection, the inspection team went to nursing college site and found 01 clerk in nursing college. When the inspection committee asked the Clerk regarding faculty/staff and student of Pharmacy College, the clerk replied that Pharmacy College is in another block. He did not confirm regarding seminar of IELTS going on as told by Principal of Institute.

- 2. The Hearing Committee asked the Principal that why he did not call any faculty member. He replied in negative and tried to contact chairman of the Institute.*
- 3. The Principal submitted a list of 06 faculty members in front of the Committee on 28.05.2018. From the submitted list, Hearing Committee randomly called 2 faculty members namely Sh. Ramesh Kumar and S. Gurinder Singh on their phone numbers which were also provided by Principal of Institute. Sh. Ramesh Kumar said that he is not working with Vidya Jyoti College of Pharmacy Lehragaga and is no more their faculty member. Other staff S. Gurinder Singh was called he said that he also recently left the college. When Principal of the Institute was questioned by Committee Member, he confessed that there are only 04 staff members against requirement of 06 faculty members.*
- 4. Regarding shortfall in glassware, chemicals and equipment as reported by inspection team Principal claimed that presently there is no shortage of these items. When committee asked regarding submission of purchase bills of these short glassware, equipments and chemicals, the Principal has submitted the bills to Hearing Committee which were of previous years purchased in the year 2012-13 and alongwith latest bill being of 21.04.2017. The hearing Committee is of the opinion that since the inspections were carried out in the month of April 2018 and Institute did not bother to purchase fresh material for removing deficiencies as pointed out by inspection committee and claim of Principal that there is no shortage of material is false and baseless.*
- 5. It is pertinent to mention here that similar deficiency of shortage of material such as glassware, chemicals, Labs not properly equipped, inadequate number of faculty and equipments were pointed out by inspection team in 2017 and subsequently intimation was given to*

institute vide letter No. PSBTE&IT/DA/2018/1446 dated 17.07.2017 for removal of deficiencies. However, institute never bothered to remove these deficiencies even after one year.

Subsequently the college replied for the compliance of deficiency pointed by Board vide its letter No. 1446 dated 17.07.2017, the compliance of deficiency was rejected by the then scrutiny committee. Subsequently, a show cause notice was given to the Institute for removal of these deficiencies.

- 6. Today on 28.05.2018, the Principal of the Institute has requested for re-inspection of the Institute. But the Hearing Committee is of the view that on the day of inspection he could have called that faculty and students from the Nursing College which was just adjacent to the pharmacy block. But he did not do that as there was no faculty/staff/available in Nursing College at that time. So, re-inspection cannot be recommended.*

Recommendation of Hearing Committee.

The Hearing Committee is of the opinion that since, there was no principal/faculty/staff present at the time of surprise inspection and there is shortage of equipments, so hearing committee goes with recommendation of inspection team and scrutiny committee for not allowing affiliation for 2018-2019 session.

Subsequently in reference to the letter under reference your Institute presented the case before Hearing Committee on 28.05.2018 in PSBTE&IT Committee room. As per your presentation and subsequent report of Hearing Committee, your institute is not recommended for affiliation and admission for 2018-2019 session.

This has the approval of the competent authority.”

In **CWP No. 19116 of 2018** vide order dated 13.06.2018, in this case also representative of the Society was present before the Hearing Committee in which following had transpired: -

- 1. “Regarding Pharmacy College is being run, in the building of a nursing college, Principal submitted that after joining in May 2017, there is no nursing college running in the same premises and assured to submit the proof within three days. But during verbal conversation, chairman of the society and principal admitted the nursing college was*

running in the Campus, but now it has been closed. But they failed to submit any valid documents regarding closure of the nursing college.

- 2. Regarding absence of students, on the day of inspection Principal said that due to completion of syllabus, classes were over. At this point the Hearing Committee is of the view that statement of Principal is not true as classes were to be held upto 03.05.2018 as per Academic Calendar of the Board.*
- 3. Regarding absence of faculty on the day of inspection, Principal submitted that he was on leave, Payal Rahi Lecturer was on maternity leave and Gourav Thakur was on official tour. Appointment letters which were not shown on the day of inspection were shown today to the committee.*
- 4. The inspection committee has found deficiencies in major equipments. In this regard, Principal has submitted that some instruments were in main store and some instruments required for 2nd year will be purchased as there was only 1st year class during the current academic year.*
- 5. The principal also submitted that for recruitment of faculty, advertisement has been given in the Hindustan Times Newspaper.*

Recommendation of Hearing Committee.

From the facts pointed by the inspection committee, reply submitted by the College and verbal discussion, the Hearing Committee is of the view that a nursing college is running in the same campus and the college authorities failed to submit valid documents for the closure of nursing college. So, hearing Committee recommends that approval may not be granted to Pharmacy college for 2018-19 session till the Pharmacy College submits proofs for the closure of the nursing College.

As per your presentation and subsequent report of hearing Committee, your institute is not recommended for affiliation and admission for 2018-19 session.

This has the approval of the competent authority.”

Learned counsel for the petitioner(s) has submitted that the respondents did not provide the inspection report. There was no application of mind and that the petitioner(s) had the explanation for all the alleged deficiencies pointed out during the inspection. For example, in the case of

CWP No. 19087 of 2018, it is submitted that the absence of the faculty on the day when inspection was carried out was because of 'Bharat Bandh'. However, it is really interesting that if there was 'Bharat Bandh' then how could inspection team had reached the petitioner(s)-Institution(s) from Patiala. In any case, other glaring deficiencies like the equipments of the laboratories were not available and it was replied that those were packed in boxes and are stored in the store room. Similarly, glasswares were also packed in the boxes and stored in the store room. On account of library, it was mentioned that the books would be purchased according to the norms. It is also found by the Committee that in spite of numerous calls to the faculty members, no one turned up at the time when inspection was going on at the college. Similar is the position in the other cases also. Merely because the petitioner(s) are now trying to fill up the lacunae and prayed that this Court may order re-inspection, the order earlier passed by the competent authority, on the basis of the surprise inspection, cannot be ignored in any case.

Thus, in my considered opinion, there is hardly any merit in these petitions and the same are hereby dismissed thought without any order as to costs.

Photocopy of this order be placed on the file of the connected case(s).

August 13, 2018

Ess Kay

**(RAKESH KUMAR JAIN)
JUDGE**

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