

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

CWP No.20992 of 2018
Date of Decision:07.09.2018

Baba Jiwan Ram Educational Society and another

. Petitioners

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.A.K. Walia, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

Petitioner No.1 is a Society and petitioner No.2 is an unaided private college being run by petitioner No.1-Society which is affiliated to the Punjab State Board of Technical Education & Industrial Training/respondent No.3.

The petitioners have challenged the order dated 13.6.2018 passed by respondent No.3 for the disaffiliation of petitioner No.2 for the academic year 2018-19.

In brief, the petitioner No.2 was established in the year 2008 for imparting technical education of five diploma courses, namely, Diploma in Electrical & Communication Engineering, Diploma in Computer Engineering, Diploma in Electrical Engineering, Diploma in Mechanical Engineering and Diploma in Electronic & Telecommunication Engineering with sanctioned strength of 60 students for each course. All the diploma courses are of 3 years duration. As per the scheduled procedure, before

Committee constituted by respondent No.3 is to inspect the premises of petitioner No.2 to re-verify the existence of necessary infrastructure, labs, teachers and faculty etc. and upon its satisfaction, the report is to be forwarded to respondent No.2 for extending its approval to run the educational institution for the following sessions. The case of the petitioners is that the extension of approval was granted by respondent No.2 for the academic session 2018-2019 but respondent No.3 has declined to grant affiliation and passed the impugned order of disaffiliation dated 13.6.2018 on the basis of an inspection report. Respondent No.3 carried out inspection of petitioner No.2 for the Session 2018-2019. The said report was scrutinized by the screening committee. The petitioner presented their case before the hearing committee on 28.5.2018 and after holding a detailed hearing, the impugned order was passed by respondent No.3.

The observations recorded in the impugned order against the petitioners are reproduced as under: -

“1. Hearing Committee asked Sh. Malkit Rai regarding non availability of Principal and Faculty members in institute at the time of inspection on dated 25.04.2018. To this query Sh. Malkit Rai replied that on day of inspection staff members had gone on function of their colleague At this point inspection team chairperson Smt. Anuradha Rani pointed out that at the time of inspection only four persons were available out of which two were clerks and one was ex-employee who had

to institute office for inquiry of his pending salary.

- 2. At the above issue Smt Anuradha Rani, Chairperson of inspection team pointed out that other than 4 people no other faculty staff member and student was present in the college and all lab/offices were closed/locked.*
- 3. When hearing committee member asked Sh. Malkit Rai about pending salary of staff he replied that salary had not been paid to the staff due to shortage of funds as the College did not receive any PMS reimbursement since 2013.*
- 4. When hearing committee asked Sh. Malkit Rai regarding dilapidated condition of washrooms and other building as pointed out by inspection committee Sh. Malkit Rai replied that washroom was damaged by school student who were appearing in school examination. Moreover, as per the version of Sh. Malkit Rai the management is running 10+1 and 10+2 Science school classes in different block but in same premises. However Chairperson of inspection committee denied on this and confirmed that school*

classes are running in same building of polytechnic college.

5. *As asked by Hearing Committee members regarding shortage of 12 labs to run 05 branches Sh. Malkit Rai confirmed that college have shortage of 12 labs and this deficiencies has been removed. Committee members are of the view that this is the false statement of Sh. Malkit Rai as 12 labs can not be constructed in such a short span of time.*
6. *Hearing Committee members asked that how the salaries are being paid to faculty and staff Sh. Malkit Rai replied that salary is being paid through cheque. When Committee asked him to provide proof of salary being paid through cheque He replied to submit it by 30.05.2018 (FN. But Sh. Malkit Rai did not submit any proof till 31.05.2018 (Noon).*
7. *It is pertinent to mention here that Board has received complaint about this college that Salary is not being paid to staff members since long. Also as confirmed by Sh. Malkit Rai almost 99% of students belong to PMS Scholarship category. Moreover, Sh. Malkit Rai admitted that regarding status of salary paid to staff the record will be*

submitted on 30.05.2018 (noon) however, till 31.05. 2018(noon) no proof has been submitted.

8. *The Hearing Committee is of the opinion that as verbally confirmed by Smt. Anuradha Rani the chairperson of inspection team well as stated by Sh. Malkit Rai that college has unavailability of funds for salary payment to staff. Since the salary has not been paid since long so committee of the opinion that there is no regular Principal/Staff except few clerical staff who were available at time of inspection.*

9. *Moreover as confirmed by Smt. Anuradha Rani, Chairperson of inspection team, labs/library etc. were intentionally kept closed and person available in the institute did not open even after verbal request from inspection team. On the day of inspection there was neither Punjab Govt holidays nor any local holiday. In spite of this, there was neither Principal faculty nor any student available in college campus at the time of inspection.*

Recommendations of Hearing Committee

The institute does not have principals and faculty as per norms. No students were

present Moreover salary to the staff has not been paid since long. There is lack of equipments and labs in the institute. So Hearing committee agrees with decision of inspection team and scrutiny committee and does not recommend this college for affiliation for 2018-19.

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 competent authority”

Learned counsel for the petitioners could not afford any satisfactory reply to any of the objections raised by respondent No.3. For example, at the time of inspection on 25.4.2018, the inspection team could not find the Principal, faculty and other staff members in the institution to which the reply was given that they had gone to attend some private function of their colleague. The inspection team even could not find the students and all lab/offices in the institution were closed/locked.

Learned counsel for the petitioners has only requested for a re-inspection but he could not demolish the finding recorded in the impugned order passed against the petitioners.

I have heard learned counsel for the petitioners and after perusal of the record, much less the impugned order, am of the considered opinion that there is no merit in the submissions made by counsel for the petitioners keeping in view the state of affairs of the institution in question. Therefore,

there is no error found in the impugned order which requires any kind of interference by this Court and hence the writ petition is hereby dismissed though without any order as to costs.

07.09.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

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