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

CWP No.23373 of 2018

Date of decision: September 28, 2018

Jashandeep Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Anurag Goyal, Advocate,
for the petitioners.

Mr. B.R.Mahajan, Advocate General, Haryana, with
Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J.

The petitioners have prayed for the issuance of a writ in the nature of *certiorari* for quashing the order dated 07.09.2018, by which they have been ordered to be shifted from Ch. Devi Lal State Institute of Engineering & Technology, Panniwala Mota, Sirsa (hereinafter referred to as the “institute at Sirsa”) to the State Institute of Engineering & Technology, Nilokheri, Karnal (hereinafter referred to as the “institute at Karnal”) in their respective trades.

In brief, the State of Haryana has established four State Institute of Engineering and Technology at Panniwala Mota (Sirsa), Nilokheri (Karnal), Zainabad (Rewari) and Silani Kesho (Jhajjar). The petitioners took admission in the institute at Sirsa in various trades. Their classes were to start from Mid of August, 2018 but they were shocked by a notice appeared on the display board of the institute at Sirsa to submit their consent about their shifting from the institute at Sirsa to the institute at Nilokehri. Some students gave their

consent in writing but the petitioners allegedly refused. However, the petitioners were transferred/shifted in the first year session 2018-19 on the pretext of optimum utilization of the resources. The petitioners have, thus, challenged the decision dated 07.09.2018 in this petition on the ground that it is nowhere mentioned in the prospectus of the institute at Sirsa about transfer/shifting and the petitioners are being shifted without their willingness rather they had taken admission consciously in the institute at Sirsa because most of them belong to Sirsa, Fatehabad and Hisar and that were never told about the aspect of shifting at the time of their admission.

In the reply filed by the respondents, it is averred that during the past few years, since the department has witnessed a declining trend in some branches of engineering in some Government Engineering Colleges and Government Polytechnics in the State, a committee of five Director Principals and Joint Director, Haryana State Technical Education Society was formed to look into the following aspect and to submit its report:-

- “i. The course(s) in the institution where there is no admission and identification of faculty to be shifted.
- ii. The institution or course(s) in the institute where admission is less than 25% to be discontinued and faculty to be shifted.
- iii. The course(s) where the admission is less than 50%, the unit size to be reduced to 40 without shifting of staff.”

A decision was taken by the Committee on 01.08.2018 and on the basis of thereof, the respondent-department compiled the admission data of various branches of engineering, running in all the four Government Engineering Colleges, which has been presented in the following manner in the reply:-

“Ch. Devi Lal State Institute of Engg. & Tech., Panniwala Mota, Sirsa.

Branch Name	Students admitted in session 2018-19	Sanctioned intake
Civil Engineering	11	60
Electrical Engineering	6	60
Electronics and Communication Engineering	2	60
Food Technology	6	30

“State Institute of Engg. & Tech., Nilokheri, Karnal

Branch Name	Students admitted in session 2018-19	Sanctioned intake
Electronics and Communication Engineering	09	60

“Ch. Ranbir Singh State Institute of Engg. & Tech., Silani Kesho, Jhajjar

Branch Name	Students admitted in session 2018-19	Sanctioned intake
Civil Engineering	03	60
Electrical Engineering	07	60
Electronics and Communication Engineering	06	60

“Rao Birender Singh State Institute of Engg. & Tech., Zainabad, Rewari.

Branch Name	Students admitted in session 2018-19	Sanctioned intake
Civil Engineering	09	60
Electrical Engineering	07	60
Electronics and Communication Engineering	01	60”

It is further averred that keeping in view the admission status, mentioned here-in-above, for the branches having less than 25% admissions, a complete proposal along with consent of the students for their merger/shift from one branch to another within the institute and/or in other institute(s) was ordered to be called from the Director Principals of all the four

Government Engineering Colleges, for which a committee of all the Director Principals and the Joint Director (Colleges) was constituted. The said committee held its meeting on 30.08.2018 at the institute at Nilokheri for rationalization of the students of such branches in which admissions are less than 25% and opined that the students of such branches may be shifted to those institutes having maximum strength of admitted students in that particular branch. Thus, it was recommended that the students of Civil Engineering, Electronics Engineering of all the four institutes may be shifted to the institute at Nilokheri and the students of Electrical Engineering of all the four institutes may be shifted to the institute at Jhajjar as they have the maximum admitted students in the said branches. It was also recommended that the location of the institute at Nilokheri is on GT road and very near to NIIT Kurukshetra, which is a Central Government Institution under the Administrative Control of Ministry of Human Resource Development, therefore, the expertise of the faculty and the infrastructure of the well-equipped lab and workshop of NIIT Kurukshetra can be made available to the students of the institute at Nilokheri. The recommendations of the committee were considered and approved by the State Government and implemented vide the impugned order dated 17.09.2018. It is also averred that the students of all the four institutes were also allowed to change the branch within the same institution or to shift to other institution in the same branch.

Besides this, it is also averred that as per the regulations of the All India Council for Technical Education (AICTE), New Delhi, apex body for regulating the technical education in the country, the standard batch size for a B. Tech. Degree course is 60 students and as per the norms of the AICTE,

minimum 08 faculty members are required to teach 60 students. It has been found that the institute at Sirsa is having only 2 admissions in Electronics and Communication Engineering branch, 06 students in Electrical Engineering and 11 students in Civil Engineering branch. Therefore, it was found illogical and not feasible to continue the program with scanty number of students for whole four years duration because respondent no.4 had to keep prescribed number of teaching faculty and technical supporting staff which will not be the optimum utilization of resources otherwise in the institute where there is a good number of students in these branches. The respondents have further averred that there would be also under-utilization of the equipment and machinery and wastage of the resources. It is further averred that even these students will not be able to keep pace with the latest technology as it is not practically and financially viable to purchase latest machinery and equipments for such a small number of students and there would be many activities which add to the skill and personality development of the students such as group discussion, project work, seminars, co-curricular activities etc. during the period of four years course which would be impossible to organize merely for 2 students.

It is, thus, submitted by the learned Advocate General, Haryana that the decision has been taken by the respondents in the interest of all and sundry, which is being opposed by the petitioners only keeping in view their personal interest that they should not be shifted from the institute at Sirsa to the institute at Nilokheri.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no merit in the present petition.

As per the counsel for the petitioners, the shifting/transfer of the students from one institute to another is not provided in the prospectus, whereas the Advocate General, Haryana has submitted that it is not mentioned otherwise also. The petitioners have alleged their unwillingness about their transfer/shifting but keeping in view the detailed reply of the respondents, which is more student friendly than against them and also the approach of the respondents to avoid wastage of resources in the shape of faculty, technical supporting staff, machinery and equipments, I am of the considered opinion that there is no error committed by the respondents in passing the impugned order which is based upon proper application of mind to the facts and circumstances after taking into account the report prepared by the committee while going through the basic issues involved which is in the benefit of all the stakeholders.

Consequently, in view of the aforesaid facts and circumstances, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No