

LPA no. 1689 of 2017 (O&M) 1

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

LPA no. 1689 of 2017 (O&M)

Date of Decision : 22.03.2018

Shri Satya Sai College of Education, Village Asmanpur

....Appellants

Versus

National Council for Teacher Education and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Pankaj Maini, Advocate for appellant

Mr. Ajay Jain, Advocate for respondent nos.1 and 2

Mr. Ram Chander, Advocate for respondent no.4

MAHESH GROVER, J.(ORAL)

On 14.9.2017 we had passed the following order:-

“Affidavit (Annexure-A) of the Vice
Chairman of Sidhi Vinayak People Trust (Regd.),
Narwana has been filed wherein para 3 reads as under :-

“That the deponent on behalf of
appellant college is submitting with due
humbleness that they are having the area of
23 kanal 16 marle in their possession as per
the lease deed. They will construct the
building to create the infrastructure as per the
norms of the respondent council within four
months so the deponent is seeking the grant

of the four months time with the grace of this Hon'ble Court so that they could able to construct the additional infrastructure to fill the gap.”

It has been the categoric case of the appellant now that they will meet all the norms required by the Council. The learned Single Judge had observed that despite such an assurance being given time and again the College had failed to report compliance of the objections of the Council.

Since the College has been in existence for some time, it would not be in the interest of either the institution or the students to stifle it and, therefore, while accepting the affidavit and the assurance given therein, we deem it appropriate to permit the College to carry on with the counseling subject, however, to the condition that they will meet all the norms dictated by the Council as indicated in the affidavit. We make it clear that the management shall comply with the directions of the Council. We have made the learned counsel for the applicant/appellant aware of the consequences that in the event of non-compliance, we would proceed against them for misleading the court and take action against him (the deponent) appropriately which may include penal consequences as well.

Learned counsel for the applicant states that

this course is acceptable.

In view of the above assurance, we permit the College to go with the counselling subject, however, to the aforesaid. It is also made clear that in case for some reason the Council itself concludes that the norms have still not been complied with, the College shall be solely responsible for the fate of the students and the damages that they would be entitled to.

List on 20.09.2017, the date already fixed.

Copy of the order be given Dasti under the signatures of the Special Secretary of the Court.”

Despite several opportunities, compliance has not been made. Costs, however, have been deposited after being imposed vide order dated 6.3.2018.

Today again learned counsel for the appellant prays for some time and rather states that the matter has been resolved which is stoutly denied by the learned counsel for the respondents.

Having regard to the aforesaid fact that appellants have failed to comply with the directions issued by this Court on 14.9.2017 and looking at the controversy where the institution has functioned without complying with the objections raised by the Council, reflecting an unsatisfactory state of affairs, we would decline any further indulgence and dismiss the petition leaving the Council to proceed against institution. We have also noticed in our earlier order that fate of the students is at stake and if the institution has admitted them knowing fully well that they are non-compliant of the provisions/requirements dictated by the Council, evidently, such students

would have liberty to seek damages against the institution.

In view of above, instant appeal is hereby dismissed.

Learned counsel for the respondents no. 1 and 2 states that recognition of the College-appellant has already been withdrawn.

If that be so then the students would be at liberty to seek refund of their fees in the first instance. In case any student makes such an application for refund of the entire fee, the same shall be returned to him/her forthwith within a period of four weeks from the date of making such a claim. This of course would be independent of right to claim damages against the institution/College.

(Mahesh Grover)
Judge

22.03.2018

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(Rajbir Sehrawat)
Judge