

RA-LP-27-2018
in LPA no. 1689 of 2017

1

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

CM no. 3197-LPA-2018
in/and
RA-LP-27-2018
in LPA no. 1689 of 2017
Date of Decision : 03.08.2018

Shri Satya Sai College of Education

....Applicant(s)

Versus

The NCTE and others

...Respondent(s)

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

Present : Mr. Girish Agnihotri, Sr. Advocate with
Mr. Pankaj Maini, Advocate for the applicant(s)

Mr. Ram Chander, Advocate for respondent no.4

MAHESH GROVER, J.(ORAL)

CM no.3197-LPA of 2018 for preponement of the case is allowed. Matter is preponed to today from 7.9.2018 and the main case is taken on board.

While disposing of the Letters Patent Appeal we had noticed that the applicant had miserably failed to comply with our earlier directions, when in writ proceedings it had sought intervention even though being non-compliant of the objections by the Council. While disposing of the Letters Patent Appeal, we had observed as follows:

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Learned counsel for the respondents no. 1 and 2 states that recognition of the College-appellant has already been withdrawn.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

This application has now been moved stating that they have acquired land and have become compliant. We are of the opinion that there would be no occasion for us to re-visit our order either in totality or even in terms of a clarification. If the applicant has acquired the land and satisfies the objections raised by the Council, it would be at liberty to approach the said Council which may look into the issue in view of the latest developments. In case the applicant approaches the Council within a period of two weeks, the Council may take a decision as expeditiously as possible preferably within a period of four weeks thereafter.

Disposed of.

(Mahesh Grover)
Judge

03.08.2018
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Rajbir Sehrawat)
Judge